

(2021) 07 MP CK 0064

In the Madhya Pradesh High Court

Case No : Miscellaneous Criminal Case No.33421 Of 2021

Akash Balmik

APPELLANT

Vs

State Of Madhya Pradesh And Others

RESPONDENT

Date of Decision : 08-07-2021

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 439

Indian Penal Code, 1860 — Section 294, 354, 451, 509

Protection Of Children From Sexual Offences Act, 2012 — Section 7, 8

Citation : (2021) 07 MP CK 0064

Hon'ble Judges : Deepak Kumar Agarwal, J

Bench : Single Bench

Advocate : Rishikesh Bohare, Alok Sharma, Anil Kumar Jha

Final Decision : Disposed Of

Judgement

Deepak Kumar Agarwal, J

This is first application under Section 439 of CrPC filed on behalf of applicant for grant of bail.

The applicant is in custody since 12/06/2021 in connection with Crime No.483/2021 registered at Police Station Kotwali, District Guna for offence

under Sections 451, 354, 509, 294 of IPC and under Section 7/8 of Protection of Children from Sexual Offences Act [in short " POCSO Act"].

In brief, the prosecution case is that on 11-06-2021 at about 07:00 in the morning, while the prosecutrix aged about 9 years of age went outside of her

house, applicant accused who is a sweeper, came there and showed his private part to the prosecutrix. The prosecutrix told about the incident to her

mother. On the same day, she along with her mother went to the police station Guna and lodged a written FIR. On the basis of said FIR, offence

under Sections 451, 354, 509, 294 of IPC and Section 7/8 of POCSO Act bearing Crime No.483/2021 was registered and the applicant was arrested.

It is submitted by the counsel for the applicant that the applicant has been falsely implicated in the case. After completion of investigation, charge

sheet has been filed. Trial of the case will take some time. It is further submitted that after filing of charge sheet, the matter has been settled between

the parties. Hence, he prayed for grant of bail.

Counsel for the complainant has no objection in granting bail to applicant/accused.

The State Counsel formally opposed the bail application and prayed for its rejection.

Heard the learned Counsel for the parties through Video Conferencing. Considering the facts and circumstances of the case coupled with the

fact that the applicant is in custody since 12/06/2021, charge sheet has been filed, this Court is of the opinion that the application should be allowed and

by allowing the application, it is ordered that if the applicant furnishes a bail bond in the sum of Rs. 25,000/- (Rupees twenty five thousand only) with

one solvent surety in the like amount to the satisfaction of the trial Court, he should be released on bail.

Applicant will present during trial before the trial Court concerned on each and every date.

Application stands disposed of.

E-copy/certified copy of this order be sent to the trial Court for compliance and information.

CC as per rules.