
(2022) 03 MP CK 0052

In the Madhya Pradesh High Court

Case No : Miscellaneous Criminal Case No. 12268 Of 2022

Amarsingh

APPELLANT

Vs

State Of Madhya Pradesh

RESPONDENT

Date of Decision : 16-03-2022

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 439

Indian Penal Code, 1860 — Section 376, 376(2)(k), 506

Protection Of Children From Sexual Offences Act, 2012 — Section 5, 6

Citation : (2022) 03 MP CK 0052

Hon'ble Judges : Vishal Mishra, J

Bench : Single Bench

Advocate : Rajesh Solanki, Mukesh Kumawat

Final Decision : Dismissed

Judgement

Subodh Abhyankar, J

They are heard. Perused the case diary/challan papers.

This is the first application under Section 439 of Criminal Procedure Code, 1973, as he / she is implicated in connection with Crime No.364/2021 registered at Police Station Badgonda, District Indore (MP) for offence punishable under Section 376, 376(2)(k), 506 of the Indian Penal Code, 1860 and Section 5/6 of POCSO Act. The applicant is in custody since 19/07/2021.

Allegation against the applicant is of rape.

Heard learned counsel for the parties and perused the case diary.

On due consideration of rival submissions, perusal of the case diary and also looking to the statement of the prosecutrix although no case for grant of bail is made out, however, the applicant is at liberty to renew his prayer after the DNA report is received in the Trial Court. The learned Judge of the Trial Court is also requested to call the DNA report at the earliest.

Let a copy of this order be sent to the concerned Trial Court.

M.Cr.C. is accordingly dismissed.