

(2024) 04 MP CK 0168

In the Madhya Pradesh High Court

Case No : Miscellaneous Criminal Case No. 16633 Of 2024

Anil Yadav

APPELLANT

Vs

State Of Madhya Pradesh And Others

RESPONDENT

Date of Decision : 23-04-2024

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 439
Indian Penal Code, 1860 — Section 363, 376(2)(n)
Protection Of Children From Sexual Offences Act, 2012 — Section 5, 6

Citation : (2024) 04 MP CK 0168

Hon'ble Judges : Vishal Dhagat, J

Bench : Single Bench

Advocate : B.J.Chourasiya, Pramod Choubey

Final Decision : Allowed/Disposed Of

Judgement

Vishal Dhagat, J

1. Applicant has filed this application under Section 439 of Cr.P.C for grant of temporary bail to the applicant for period of 15 days. Applicant is in jail since 20.02.2024 in connection with Crime No.28/2024 registered by Police Station- Orchha Road District-Chhatarpur for having committed offences under Section 363, 376(2)(n) of IPC and 5/6 of POCSO Act, 2012.

2. It is submitted by the counsel for the applicant that earlier bail application was considered on merits and was dismissed. Applicant's sister is getting married on 24th, 25th, 26th of April, 2024. It is submitted that applicant may be granted bail for a period of 15 days. In these circumstances, applicant be released on temporary bail.

3. Government Advocate appearing for the State opposed the grant of temporary bail. It is submitted that factum of marriage is yet to be verified. It will take time and case diary of the case is also not available.

4. Heard learned counsel for parties.

5. Applicant is making a prayer for releasing him on temporary bail due to marriage of his sister. Since there is no time to verify the factum of marriage, therefore, considering the emergent situation, application for grant of temporary bail is allowed. It is directed that applicant be released on temporary bail for period of 7 days on furnishing a personal bond of Rs.50,000/- (Rupees Fifty Thousand only) along with one solvent surety in the like amount to the satisfaction of Trial Court. He shall surrender before the Court immediately after completion of 7 days from the date of his release.

6. State is directed to verify the fact of marriage of his sister and if facts mentioned in the application for temporary bail are found to be false, then same will dis-entitle the applicant for regular bail in this case.

7. With aforesaid, temporary bail application is allowed and disposed off.

8. Certified copy today.