

(2024) 04 MP CK 0172

In the Madhya Pradesh High Court

Case No : Miscellaneous Criminal Case No. 16279 Of 2024

Badal Urf Daddu

APPELLANT

Vs

State Of Madhya Pradesh And Others

RESPONDENT

Date of Decision : 23-04-2024

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 437(3), 439

Indian Penal Code, 1860 — Section 363, 366(a), 368, 376(2)(n), 376(2)(k), 376(2)(h), 376(d), 376(2)(da)

Protection Of Children From Sexual Offences Act, 2012 — Section 3, 4, 5L, 6

Citation : (2024) 04 MP CK 0172

Hon'ble Judges : Prem Narayan Singh, J

Bench : Single Bench

Advocate : Aayush Sethiya, Aayush Sethiya

Final Decision : Allowed

Judgement

Prem Narayan Singh, J

1. Heard and perused the case diary.

2. This is the first bail application filed on behalf of the applicant under Section 439 of the Code of Criminal Procedure for grant of bail. The applicant is arrested in relation to Crime/FIR No.266/2022, dated 20.5.2022, registered at Police Station- Gandhwani, District - Dhar, (M.P) for the offence under Sections 363, 366(a), 376(2)(n), 376(2)(k), 376(2)(h), 376(d), 376(2)(da), 368, 506, 344, 34 of IPC and Section 3 r/w 4, 5L r/w Section 6 of POCSO Act. The applicant is in custody since 22/2/2023.

3. Learned counsel for the applicant submitted that it is a case of consensual relationship. The statement of the prosecutrix has been recorded in the Trial Court. As per the statement of the prosecutrix she resided with the applicant for a period of 2-3 months and a child has also born out of the said relationship. The applicant is in custody since 22/2/2023. Final conclusion of trial will take a

sufficient long time. Under these circumstances, counsel prays for grant of bail to the applicant.

5 . On the other hand, learned counsel for the State has opposed the prayer.

6. After hearing learned counsel for the parties and looking to the custody period of the applicant, I am of the view that it is a case in which applicant may be released on bail. Consequently without commenting on the merits of the case, this bail application under Section 439 of the Code of Criminal Procedure filed on behalf of applicant, stands allowed.

7. It is directed that the applicant be released on bail on his furnishing a personal bond in the sum of Rs.50,000/- (Rupees Fifty thousand only) with one solvent surety in the like amount to the satisfaction of the trial Court, for his regular appearance before the trial Court during trial with a condition that he shall remain present before the concerned Court on all the dates fixed by it during trial. He shall abide by all the conditions enumerated under Section 437(3) of Cr.P.C.

8. This order shall be effective till the end of the trial. However, in case of bail jump and breach of any of the conditions of bail, it shall become ineffective.