

(2021) 09 MP CK 0030

In the Madhya Pradesh High Court

Case No : Miscellaneous Criminal Case No.43442 Of 2021

Chhotu@Arjun Bhurji

APPELLANT

Vs

State Of Madhya Pradesh And Others

RESPONDENT

Date of Decision : 03-09-2021

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 164, 437(3), 439
Indian Penal Code, 1860 — Section 363, 366(A), 376, 376 (2)(n)
Protection Of Children From Sexual Offences Act, 2012 — Section 5L, 5(J) (ii), 6, 16, 17

Citation : (2021) 09 MP CK 0030

Hon'ble Judges : Arun Kumar Sharma, J

Bench : Single Bench

Advocate : Manoj Kumar Mishra, Shanti Tiwari

Final Decision : Allowed

Judgement

Arun Kumar Sharma, J

This is First bail application on behalf of the applicant under Section 439 of Cr.P.C seeking bail in connection with Crime No.225/2020, registered at Police Station Khairlanji, District Balaghat (M.P.) for the offence punishable under Sections 363, 366(A), 376 and 376 (2)(n) of the IPC and Sections 5L, 5(J) (ii), 6, 16 & 17 of POCSO Act, 2012.

As per the prosecution case, on 11.08.2020 the father of the prosecutrix lodged a missing report in the Police Station Khairlanji District Balaghat that his daughter is missing since 07.08.2020. In the investigation, it is found that the co-accused took the prosecutrix thereafter handed over to the applicant. Applicant has been arrested on 11.07.2021 and sent to judicial custody.

Learned counsel for the applicant submits that the applicant has been falsely implicated. He is in custody since 11.07.2021. It is further submitted that the statement of prosecutrix under Section 164 of Cr.P.C. has been recorded in which

there is no allegation against the applicant. It is further submitted that the prosecutrix is a consenting party. Therefore, it has been prayed that the applicant be released on bail.

Learned Panel Lawyer strongly opposed the bail application. Considering the facts and circumstances of the case and without commenting on the merits of this case, the application is allowed. It is ordered that the applicant be released on bail on his furnishing a personal bond for the sum of Rs.40,000/- (Rupees Forty Thousand only) with one solvent surety in the like amount to the satisfaction of the trial Court. It is directed that the applicant shall abide by the conditions as enumerated under Section 437 (3) of the Cr.P.C and in the event of breach of condition of bail, the trial Court will be competent to take coercive action against the applicant.

I t is further directed that the Jail Authority shall comply with all the direction and guidelines issued by the Central Government and the State Government from time to time in regard to outbreak of Covid-19 Pandemic before releasing the applicant.

Accordingly, this M.Cr.C stands allowed and disposed of.

Certified copy as per rules.