

**(2021) 06 MP CK 0197**

**In the Madhya Pradesh High Court**

**Case No : Miscellaneous Criminal Case No.31242 Of 2021**

Ghanshyam

APPELLANT

Vs

State Of Madhya Pradesh

RESPONDENT

---

**Date of Decision : 28-06-2021**

**Acts Referred:**

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

Indian Penal Code, 1860 — Section 34, 376(2) (n), 376(2)(f)

**Citation : (2021) 06 MP CK 0197**

**Hon'ble Judges : Vishal Dhagat, J**

**Bench : Single Bench**

**Advocate : Brijesh Chandra Choubey, Tabrez Sheikh**

**Final Decision : Allowed**

---

## **Judgement**

Vishal Dhagat, J

This is third application filed under Section 439 of Cr.P.C. for grant of bail to the applicant. Applicant has been arrested on 29.04.2020 in connection

with Crime No.117/2020 registered at Police Station Bamitha, District Chhatarpur (M.P.), for commission of offences punishable under Sections

376(2) (n), 376(2) (f) and 34 of Indian Penal Code.

Counsel appearing for applicant submitted that applicant is in jail since 29.04.2020 for more than one year. It is submitted that trial is likely to take a

long time. Counsel appearing for applicant submitted that prosecutrix died natural death on 22.01.2021. Now, prosecutrix in this case cannot be

examined. Some of the witnesses have been examined and they had not deposed against the applicant. Co-accused of the case has also been released

on bail. In these circumstances, it is submitted by him that applicant may also be released on bail.

Counsel appearing for State opposed the application for grant of bail. It is submitted by him that earlier application of applicant has been rejected on merits. Applicant is the person who is said to have committed rape on the prosecutrix. In these circumstances, repeat bail application may be rejected.

Heard the counsel for the parties.

Considering the facts that some of the material witnesses are examined in the case and examination of other witnesses is likely to take some more time. Prosecutrix has died and, therefore, she cannot depose before the Court.

Considering the fact that applicant is in jail for over one year, trial is likely to take some more time and also the fact that prosecutrix has died

22.01.2021, bail application in this change circumstance is allowed. It is directed that 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 of the like amount to the satisfaction of the trial Court.

The applicant shall abide by the conditions enumerated in Section 437 (3) of Cr.P.C.

Certified copy as per rules.