

(2012) 10 MP CK 0122
In the Madhya Pradesh High Court
Case No : M. Cr. C. No. 7429 of 2012

Ghanshyam

APPELLANT

Vs

The State of Madhya Pradesh

RESPONDENT

Date of Decision : 04-10-2012

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 437(3), 439
Penal Code, 1860 (IPC) — Section 344, 363, 366, 376, 506

Citation : (2012) 10 MP CK 0122

Hon'ble Judges : S.R. Waghmare, J

Bench : Single Bench

Advocate : A.K. Saraswat, for the Appellant; Rahul Vijayvargiya, Learned Counsel for the State, for the Respondent

Final Decision : Allowed

Judgement

Mrs. S.R. Waghmare, Judge

1. By this application filed u/s 439 of the Cr. P.C., applicant Ghanshyam has moved the application for grant of bail being implicated in crime No. 90/2012 registered by police station Kukdeshwar, District Neemuch for offence under Sections 363, 366 & 376, 344 and 506 of the IPC. Counsel for the applicant has vehemently urged the fact that it was a case of false implication. Even if the prosecution allegations are considered, Counsel submitted that it was an affair of heart and the applicant has been married the prosecutrix by Arya Samaj custom. Counsel submitted that the father of the prosecutrix has fraudulently obtained the custody of the prosecutrix and forced statement has been filed by the prosecutrix because the father wanted her to enter into a contractual marriage. Hence, Counsel prayed for grant of bail since the applicant has been arrested on 11/9/2012.

2. Counsel for the respondent State, on the other hand, opposed the submissions of the Counsel for the applicant and has submitted that the applicant was fully involved in the offence. Hence, Counsel has prayed for dismissal of the

application.

3. On considering the above submissions, material available in the case diary and looking to the nature of allegations, I find that the application needs to be allowed in the interest of justice and it is hereby allowed.

4. It is ordered that the applicant be released on bail on his furnishing a personal bond for a sum of Rs. 25,000/- (Rupees Twenty five thousand only) with one surety in the like amount to the satisfaction of the Trial Court for his appearance before the concerned trial Court on all dates of hearing as may be fixed by the Trial Court in this behalf during the pendency of trial.

5. It is also directed that the applicant shall abide by all the conditions enumerated u/s 437(3) of the Cr. P.C. C.c. as per rules.