
(2021) 02 MP CK 0100
In the Madhya Pradesh High Court
Case No : Criminal Appeal No.920 Of 2021

Golu @ Vinod

APPELLANT

Vs

State Of Madhya Pradesh And Others

RESPONDENT

Date of Decision : 15-02-2021

Acts Referred:

Scheduled Caste And Scheduled Tribe (Prevention Of Atrocities) Act, 1989 — Section 3(2)(va), 3(1)(w)(ii), 14A(1)
Indian Penal Code, 1860 — Section 376, 376(2)(I), 456, 506
Protection Of Children From Sexual Offences Act, 2012 — Section 3, 4

Citation : (2021) 02 MP CK 0100

Hon'ble Judges : Atul Sreedharan, J

Bench : Single Bench

Advocate : Manish Tiwari, Puneet Shroti, Vivek Agrawal

Final Decision : Allowed

Judgement

Atul Sreedharan, J

This appeal under Section 14-A(1) of SC/ST Act has been filed for grant of bail to the appellant who has been arrested in connection with Crime

No.8/2019 for offences punishable under sections 376, 376(2) (I), 456 and 506 of IPC, sections 3, 4 of POCSO Act and section 3(2)(va) & 3(1)(w)(ii)

of SC/ST (Prevention of Atrocities) Act, 1989 registered at Police Station-Damua, District-Chhindwara.

The appellant is in judicial custody since 23.01.2021 in the aforesaid case. The allegation against him is of having raped the prosecutrix, who is over 17

years of age. The appellant himself is only 20 years of age.

Learned counsel for the State and the Objector have opposed the bail being granted looking at the young age of the prosecutrix and have submitted

that consent is of no avail as the prosecutrix is a minor. Per contra, learned counsel for the appellant has read out from the 164 statement of the prosecutrix which reveals that on the night of the incident the appellant entered her house. Upon the prosecutrix asking the appellant the reasons for his presence, the appellant is stated to have made small talk and general conversation with her and, thereafter went away. She categorically states that the appellant did not do anything with her.

Looking at the facts and circumstances of the case, the young age of the appellant and the 164 statement of the prosecutrix, which has been referred and discussed herein-above, the appeal is allowed and it is directed that the appellant shall be enlarged on bail upon his furnishing a personal bond in the sum of Rs.50,000/- (Fifty Thousand Only) with one solvent surety in the like amount to the satisfaction of the learned trial Court.

The jail authorities shall have the appellant checked by the jail doctor to ensure that he is not suffering from the coronavirus and if he is, he shall be

sent to the nearest hospital designated by the state for treatment. If not, he shall be transported to his place of residence by the jail authorities.

C.C. as per rules.