

(2024) 04 MP CK 0132

In the Madhya Pradesh High Court

Case No : Miscellaneous Criminal Case No. 15272 Of 2024

Golu@Kartik@Awadh Kishore

APPELLANT

Vs

State Of Madhya Pradesh And Others

RESPONDENT

Date of Decision : 16-04-2024

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 164, 439

Indian Penal Code, 1860 — Section 363, 366A

Protection Of Children From Sexual Offences Act, 2012 — Section 13, 14

Citation : (2024) 04 MP CK 0132

Hon'ble Judges : Sunita Yadav, J

Bench : Single Bench

Advocate : Vibhor Kr. Sahu, Rajeev Upadhyay

Final Decision : Allowed

Judgement

Sunita Yadav, J

This is the first application filed by the applicant under Section 439 of the Cr.P.C. for grant of bail relating to FIR No. 53 of 2024 registered at Police Station Isagarh, District Ashoknagar (M.P.) for the offence under Sections 363 and 366-A of the I.P.C. and Section 13/14 of POCSO Act.

Learned counsel for the applicant argued that the applicant is innocent and has been falsely implicated. Entire prosecution story is highly suspicious in the light of the statement of the prosecutrix recorded under Section 164 Cr.P.C. in which prosecutrix clearly stated that she left her house on her own volition. As per her statement, she loved the applicant - accused and wanted to marry him, however, her parents decided to marry her with some other person, therefore, she left her house and started living with the applicant. It is further argued that in the statement, prosecutrix told her age as 18 years. She has also narrated that she solemnized marriage with the applicant and was living as his wife. Under these circumstances, entire prosecution story becomes doubtful. Further argument is that applicant is in custody since 19.3.2024. After conclusion of investigation,

charge-sheet has already been filed, therefore, there is no requirement of further custodial interrogation of the applicant. Applicant is the permanent resident of District Ashoknagar (M.P.) having no criminal antecedents and there is no possibility of his absconson or tampering with the prosecution evidence. On these grounds, h e prays for grant of bail to the applicant.

O n the other hand, learned State counsel opposed the application and prayed for its rejection.

Heard learned counsel for the rival parties and perused the case diary available on record.

Considering the facts and circumstances of the case, but without expressing any opinion on merits of the case, this application is allowed and it is directed that the applicant be released on bail on furnishing a personal bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand only) along with one solvent surety in the like amount to the satisfaction of the trial Court/Committal Court.

This order will remain operative subject to compliance of the following conditions by the applicant:-

- 1) The applicant will comply with all the terms and conditions of the bond executed by him/her;
- 2) The applicant will cooperate in the investigation/trial, as the case may be;
- 3) The applicant will not indulge himself/herself in extending inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to the Police Officer, as the case may be;
- 4) The applicant shall not commit an offence similar to the offence of which he/she is accused;
- 5) The applicant will not seek unnecessary adjournments during the trial; and
- 6) The applicant will not leave India without previous permission of the trial Court/Investigating Officer, as the case may be.

Learned State counsel is directed to send an e-copy of this order to the Station House Officer of the concerned Police Station for information and necessary action.

E- copy of this order be sent to the trial Court concerned for compliance, if possible, by the office of this Court.

Certified copy as per rules.