
(2021) 02 MP CK 0027

In the Madhya Pradesh High Court

Case No : Miscellaneous Criminal Case No.855 Of 2021

Jitendra Marthe @ Jeetu @ Geetendra	APPELLANT
Vs	
State Of Madhya Pradesh And Others	RESPONDENT

Date of Decision : 03-02-2021

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 439
Indian Penal Code, 1860 — Section 363, 366, 376, 506
Protection Of Children From Sexual Offences Act, 2012 — Section 3, 4

Citation : (2021) 02 MP CK 0027

Hon'ble Judges : Mohd. Fahim Anwar, J

Bench : Single Bench

Advocate : S.Dwivedi, Rajesh Sharma

Final Decision : Dismissed

Judgement

Mohd. Fahim Anwar, J

This is first bail application under Section 439 of Cr.P.C in connection with Crime No.546/2020 registered at Police Station Lalbarra Distt. Balaghat

(MP) for the offence under Sections 363, 366, 376, 506 of IPC and 3, 4 of POCSO Act, 2012.

The case of the prosecution is that prosecutrix aged about 17 years was taken to Nagpur on 22/12/2020 by the applicant on the pretext of marriage

where he committed sexual intercourse with her and on the next day of incident, when prosecutrix asked the applicant to marry with her then

applicant refused and his family members have dropped the prosecutrix to her parental house. She narrated the incident to her parents and

accompanied with them, she lodged the FIR on 24/12/2020. On that basis, above mentioned crime has been registered against the applicant.

Learned counsel for the applicant has submitted that the applicant is innocent person and he has falsely been implicated in the crime. It is submitted

that the applicant is ready to furnish bail as per the order and abide with all conditions as may be imposed by the Court. He further submits that the

applicant aged about 23 years and is in jail since 24/12/2020. The trial will take long time for its final disposal. On these grounds, learned counsel for

the applicant prays for grant of bail to the applicant.

Per-contra, learned counsel for the respondent-State opposes the bail application.

On the date of incident, prosecutrix aged about 17 and applicant has committed sexual intercourse with her on the pretext of marriage and, later on, he

refused to marry with her.

Looking to the facts and circumstances of the case and the gravity of offence, I am of the view that at this stage, it is not a fit case to enlarge the

applicant on bail. Hence, without commenting on the merits of the case, this bail application is hereby dismissed.