

(2022) 01 MP CK 0032

In the Madhya Pradesh High Court

Case No : Miscellaneous Criminal Case No.64294 Of 2021

Kadam

APPELLANT

Vs

State Of Madhya Pradesh And Others

RESPONDENT

Date of Decision : 06-01-2022

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 164, 439

Indian Penal Code, 1860 — Section 344, 363, 366, 376(2)(k), 376(2)(n), 506

Protection Of Children From Sexual Offences Act, 2012 — Section 3, 4, 5L, 6, 16, 17

Citation : (2022) 01 MP CK 0032

Hon'ble Judges : Vijay Kumar Shukla, J

Bench : Single Bench

Advocate : Sarika Gupta, V. Sakargayen

Final Decision : Allowed

Judgement

Vijay Kumar Shukla, J

This is first bail application under Section 439 of the Cr.P.C. filed on behalf of the applicant in connection with Crime No.171/2021 registered at Police

Station - Udaigarh District Alirajpur (M.P.) under Sections 363, 344, 366, 376(2)(k), 376(2)(n) and 506 of IPC along with 3/4, 5-L/6 and 16/17 of the

Protection of Children from Sexual Offences Act and he is in custody since 04.10.2021.

Â As per statement of prosecutrix recorded under Section 164 of Cr.P.C., there is no allegation of rape against the pre sent applicant. The main

allegation has been made against co-accused Madan. The only allegation against the present applicant is that he also accompanied co-accused Madan

and prosecutrix in the motorcycle.

Counsel for the State, on the other hand opposes the prayer for grant of bail.

Â Considering the allegation against the applicant and role attributed to him, I am of the considered view that the applicant is entitled for grant of bail

and therefore, without expressing any view on the merits of the case, the application is allowed.

Â It is directed that applicant - Kadam S/o Bhaddu shall be released from custody upon furnishing a personal bond of Rs.50,000/- (Rupees Fifty thousand only) with one solvent surety of the like amount to the satisfaction of the Ld. Court below.

Â The prison authorities are also requested to ensure compliance with the order passed by the Supreme Court IN RE : CONTAGION OF COVID 19

VIRUS IN PRISONS in SUO MOTU ""W.P. (C) No.1/2020"" and ensure that the applicant is examined by the jail doctor before his release. If the

applicant shows symptoms of COVID-19, the doctor shall forthwith direct him to be produced before the appropriate hospital designated for the

detection and treatment of COVID-19 patients. If the doctor is of the opinion that the applicant is not affected with the virus, the jail authorities shall

ensure his transportation from the jail till his place of residence.

It is further made clear that if it is found that the applicant is involved in any other case during the trial, this bail order shall stand cancelled

automatically without reference to the Court and the Police will be at liberty to arrest the applicant.

A typed copy of this order is being forwarded to the Office of the Advocate General, on their email address, for intimation to the Police Station

concerned. The office is requested to forward a copy of this order to the Ld. Court below.