
(2019) 11 MP CK 0052

In the Madhya Pradesh High Court

Case No : Miscellaneous Criminal Case No. 45218 Of 2019

Manish Thakur S/O Gokul Singh Ji Thakur

APPELLANT

Vs

State Of Madhya Pradesh

RESPONDENT

Date of Decision : 05-11-2019

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 164, 438, 438(2)
Indian Penal Code, 1860 — Section 363, 366, 376
Protection Of Children From Sexual Offence Act, 2012 — Section 3, 4

Citation : (2019) 11 MP CK 0052

Hon'ble Judges : S.K. Awasthi, J

Bench : Single Bench

Advocate : Manoj Saxena, Gaurav Kumar Verma

Final Decision : Allowed

Judgement

They are heard. Perused case diary.

This first application under Section 438 of Criminal Procedure Code, 1973 for grant of anticipatory bail has been filed by the applicant, who is apprehending his / her arrest in connection with Crime No.21/2017 registered at Police Station Pachore, District Rajgarh Biaora (MP) for offence punishable under Sections 363, 366 and 376 of the Indian Penal Code, 1860 and also under Section 3 read with Section 4 of the Protection of Children from Sexual Offence Act, 2012.

As per prosecution case, on the basis of the allegations made by the prosecutrix, offence punishable under Sections 363, 366 and 376 of the Indian Penal Code, 1860 and also under Section 3 read with Section 4 of the Protection of Children from Sexual Offence Act, 2012 has been registered against the applicant.

Learned counsel for the applicant has submitted that the applicant is a youth aged about 25 years and he has not committed any offence. The prosecutrix was having love affair with the applicant and she herself went to the house of the applicant and thereafter, she made marital relationship with the applicant. This

fact is also found support with the statement of the prosecutrix recorded under Section 164 of the Code of Criminal Procedure, 1973. In the aforesaid statement, she has not made any allegation against the applicant regarding abduction or commission of rape. It has also been brought to the notice of this Court that the prosecutrix and applicant have filed Writ Petition No.16425/2019 before this Court for police protection from their relatives and other members of society. It is further submitted that the present applicant is ready to cooperate with the investigation and there is no possibility of his / her absconson or tampering with the evidence, if enlarged on anticipatory bail. Under these circumstance, learned counsel for the applicant prays for grant of anticipatory bail to the applicant.

On the other hand, learned Public Prosecutor for the non-applicant / State of Madhya Pradesh opposes the application and prays for rejection of the anticipatory bail application.

Considering the facts and circumstances of the case, but without commenting anything on the merits of the matter, I deem it proper to grant anticipatory bail to the applicant.

Accordingly, this application is allowed. It is directed that in the event of arrest, applicant Manish Thakur s/o Gokul Singh Ji Thakur shall be released on bail, upon his / her executing a personal bond in the sum of Rs.50,000/- (rupees fifth thousand only) and furnishing one solvent surety in the like amount to the satisfaction of the Arresting Officer (Investigating Officer).

The applicant shall make himself / herself available for interrogation by a Police Officer, as and when required. He / she shall further abide by the other conditions enumerated in Sub Section (2) of Section 438 of the Code of Criminal Procedure, 1973.

Accordingly, Miscellaneous Criminal Case No.45218/2019 stands allowed.

Certified copy as per rules.