

(2022) 01 MP CK 0112

In the Madhya Pradesh High Court

Case No : Miscellaneous Criminal Case No.3244 Of 2022

Manoj

APPELLANT

Vs

State Of M.P

RESPONDENT

Date of Decision : 20-01-2022

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 439

Indian Penal Code, 1860 — Section 34, 109, 363, 366, 367, 368, 376(2)(N)

Protection Of Children From Sexual Offences Act, 2012 — Section 5(L), 6, 17

Citation : (2022) 01 MP CK 0112

Hon'ble Judges : Vijay Kumar Shukla, J

Bench : Single Bench

Advocate : Nilesh Dave, Mukesh Sharma

Final Decision : Allowed

Judgement

Vijay Kumar Shukla, J

This is first application under Section 439 of the Cr.P.C. filed on behalf of the applicant in connection with Crime No.384/2021, registered at Police

Station Suwasara, district Mandsaur, under Sections 363, 366, 367, 376(2)(N), 368, 109, 34 of IPC and under Section 5(L)/6, 17 of POCSO Act.

Considering the statement of the prosecutrix that she has not levelled any allegation of rape against the present applicant and the only allegation

against the present applicant is that he made arrangement of the stay.

Learned counsel for the applicant submits that the main accused is Niraj and there is no allegation of rape against the present applicant. The age of

the prosecutrix is 17 years and 9 months.

In view of aforesaid, I find prima facie case is made out for grant of bail. Therefore, without expressing any view on the merits of the case, the

application is allowed.

It is directed that Applicant â?" Manoj S/o. Vishnunath Nathmaharaj, shall be released from custody upon furnishing a personal bond of Rs.50,000/-

(Rupees Fifty Thousand Only) with one surety of the like amount to the satisfaction of the Ld. Court below.

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.