

(2023) 05 MP CK 0012

In the Madhya Pradesh High Court

Case No : Miscellaneous Criminal Case No. 19042 Of 2023

Mithilesh Bairagi

APPELLANT

Vs

State Of Madhya Pradesh And Others

RESPONDENT

Date of Decision : 04-05-2023

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 437(3), 439
Indian Penal Code, 1860 — Section 313, 315, 318, 363, 376, 376(2)(N), 450, 506
Protection Of Children From Sexual Offences Act, 2012 — Section 5(th), 6
Scheduled Caste And Scheduled Tribe (Prevention Of Atrocities) Act, 1989 — Section 3(2)(V)

Citation : (2023) 05 MP CK 0012

Hon'ble Judges : Vishal Dhagat, J

Bench : Single Bench

Advocate : S.K. Patel, A.S. Pathak

Final Decision : Allowed

Judgement

Vishal Dhagat, J

1. This is the first application filed by the applicant under Section 439 of the Code of Criminal Procedure for grant of regular bail relating to FIR No.69/2020 registered at Police Station-Bamhani, District-Mandla (MP) for the offence under Sections 450, 376, 376(2)(N), 363, 313, 315, 318, 506 of the IPC, Section 5(th)/6 of the POCSO Act and Section 3(2)(V) of the SC/ST Act.

2. Learned counsel appearing for the applicant submitted that applicant is in jail since 14.04.2023. Applicant has been arrested on basis of memorandum given by co-accused persons. Prosecutrix has been examined and turned hostile. In these circumstances, prayer is made to enlarge applicant on bail.

3. Learned Government Advocate appearing for the State opposed the application for grant of bail. It is submitted that applicant was absconding for some time. In these circumstances, application for grant of bail may be dismissed.

4. Heard the counsel for the parties.

5. Prosecutrix has been examined and turned hostile. Applicant is in jail since 14.04.2023 and trial is likely to take some more time for completion of trial.

6 . Considering aforesaid facts and circumstances of the case, without expressing any opinion on the merits of the case, bail application filed by applicant i s allowed. It is directed that applicant be released on bail on furnishing personal bond of Rs.50,000/-(Rs.Fifty Thousand only) with one surety in the like amount to the satisfaction of the trial court.

7. The applicant shall also abide by the following conditions of Section 437 (3) of Cr. P. C.

C.C. as per rules.