

(2021) 07 MP CK 0165

In the Madhya Pradesh High Court

Case No : Miscellaneous Criminal Case No.35246 Of 2021

Mohd. Arif Mansoori

APPELLANT

Vs

State Of Madhya Pradesh And Others

RESPONDENT

Date of Decision : 22-07-2021

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 164, 439

Indian Penal Code, 1860 — Section 376, 506

Protection Of Children From Sexual Offences Act, 2012 — Section 3, 4

Scheduled Caste And Scheduled Tribe (Prevention Of Atrocities) Act, 1989 — Section 3(1)(w)(ii), 3(2)(v)

Citation : (2021) 07 MP CK 0165

Hon'ble Judges : Rajeev Kumar Dubey, J

Bench : Single Bench

Advocate : Narayan Singh Parmar, Sunil Gupta

Final Decision : Dismissed

Judgement

Rajeev Kumar Dubey, J

This is the first application under Section 439 of the Cr.P.C. for grant of bail. Applicant Mohd. Arif Mansoori was arrested on 02/08/2020 in

connection with Crime No.245/2020 registered at Police Station Laur, District Rewa for the offence punishable under Sections 376, 506 of the IPC,

Section 3/4 of the POCSO Act and Section 3(1)(w)(ii), 3(2)(v) of the SC/ST (Prevention of Atrocities) Act.

As per the prosecution case on 31/07/2020 at around 06:00 A.M. when prosecutrix, who was minor, was going to attend the call of nature outside of

her house, applicant caught hold of her and committed rape with her.

Learned counsel for the applicant submits that the applicant is innocent and has falsely been implicated in the crime. There are many contradiction and

omission in the case diary statement of prosecutrix and in the statement recorded by the JMFC under Section 164 of the Cr.P.C of the prosecutrix.

The applicant has been in custody since 02/08/2020. The charge-sheet has been filed and conclusion of trial will take time, hence prayed for release of applicant on bail.

Learned counsel for the respondent-State opposed the prayer and submitted that the applicant committed rape with a minor girl, so he should not be released on bail.

Looking to the facts and circumstances of the case and the allegation that applicant committed rape with a minor girl aged about 16-17 years, this

Court is not inclined to grant bail to the applicant.

Accordingly, M.Cr.C. is rejected.