

(2021) 03 MP CK 0064

In the Madhya Pradesh High Court

Case No : Miscellaneous Petition No. 22019 Of 2020

Mukesh Belvanshi

APPELLANT

Vs

State Of Madhya Pradesh And Others

RESPONDENT

Date of Decision : 12-03-2021

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 437(3), 439
Indian Penal Code, 1860 — Section 363, 366, 376(2J), 376(2N), 376(3)
Protection Of Children From Sexual Offences Act, 2012 — Section 5, 6

Citation : (2021) 03 MP CK 0064

Hon'ble Judges : Anjuli Palo, J

Bench : Single Bench

Advocate : Rahul Kumar Tripathi, Gaurav Tiwari

Final Decision : Allowed

Judgement

Anjuli Palo, J

This is the first application filed by the applicant under Section 439 of the Cr.P.C. seeking regular bail.

The applicant is in custody since 08.06.2020 in connection with Crime No.82/2020 registered at P.S. Damua, District Chhindwara for the offences punishable under Sections 363, 366, 376-2J and 376-2N, 376-3 and 506 of the IPC and Sections 5 & 6 of the Protection of Children From Sexual Offences Act, 2012.

Learned counsel for the applicant submits that the applicant has been falsely implicated in the case. The statements of the prosecutrix and her parents have been recorded before the trial Court during trial, wherein they have turned hostile. The applicant is in custody since 08.06.2020 and trial would take considerable time to conclude. In view of the aforesaid, prayer is made to enlarge the applicant on bail.

On the other hand, learned Panel Lawyer has opposed the prayer for grant of bail.

Considering the overall facts and circumstances of the case and the fact that the prosecutrix and her parents have turned hostile during trial, I deem it appropriate to release the applicant on bail, therefore, without commenting on the merit of the case, the application is allowed.

It is directed that applicant - Mukesh Belvanshi shall be released on bail on his furnishing a personal bond in a sum of Rs.50,000/- (Rupees Fifty Thousand Only) with one surety in the like amount to the satisfaction of the trial Court concerned for his appearance before the said Court on all such dates as may be fixed in this regard during the pendency of trial.

It is further directed that the applicant shall comply with the provisions of Section 437(3) of the Cr.P.C.

With the aforesaid, the M.Cr.C. stands allowed and disposed of.