

(2021) 06 MP CK 0204

In the Madhya Pradesh High Court

Case No : Miscellaneous Criminal Case No.31673 Of 2021

Najil Khan

APPELLANT

Vs

State Of Madhya Pradesh

RESPONDENT

Date of Decision : 29-06-2021

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 438

Indian Penal Code, 1860 — Section 34, 342, 354D, 365, 376(2)(n), 376D, 506

Citation : (2021) 06 MP CK 0204

Hon'ble Judges : Deepak Kumar Agarwal, J

Bench : Single Bench

Advocate : Mohammad Ayub Khan, Naval Kishor Gupta

Final Decision : Dismissed

Judgement

Deepak Kumar Agarwal, J

This first application under Section 438 of CrPC has been filed for grant of anticipatory bail.

The applicant apprehends his arrest in connection with Crime No.756/2021 registered at Police Station City Kotwali, District Morena for offence

under Section 376(2)(n), 376-D, 354-D, 365, 342, 506/34 of IPC.

As per the prosecution case, on 07/06/2021 complainant Nazim Khan, son of Mustafa Khan, aged about 23 years, resident of Pipripura Road, Sanjay

Colony, Morena lodged a Guminisan report at police station alleging that his sister (prosecutrix) without informing her parents, went away at about

03:00 pm. Thereafter, the police, on the basis of missing report, during the investigation on 09/06/2021 recovered prosecutrix along with her brother

Yunis Khan and other family members from Jaipur and brought to the police station. In her statement, the prosecutrix stated that on 07/06/2021 at

about 02:00 pm she had gone to medical store for purchasing some medicine for her mother and as and when she reached near Chourah, co-accused

Kuldeep and Deepu came there and forcibly took her away to Jaipur in a four wheeler vehicle on the point of Katta in which co-accused Prince and

applicant-accused Nazila Khan were already there and kept her in a room where main accused Kuldeep committed gang rape on her and thereafter,

the statement of the prosecutrix was recorded.

It is submitted by learned Counsel for the applicant that the applicant has been falsely implicated. The applicant is ready to cooperate with the

investigation and there is no likelihood of his absconding or tampering with the prosecution case. Hence, he prays for grant of anticipatory bail.

On the other hand, learned Panel Lawyer opposed the bail application and prayed for its rejection.

Looking to the statement of prosecutrix, submission of the applicant that he has not committed any offence is not sustainable. He is involved in the

commission of crime. Looking to the seriousness of crime, this Court is not inclined to grant anticipatory bail. Hence, the application is hereby

rejected.