
(2022) 01 MP CK 0148

In the Madhya Pradesh High Court

Case No : Miscellaneous Criminal Case No.4429 Of 2022

Nihal Singh Mahore

APPELLANT

Vs

State Of M.P

RESPONDENT

Date of Decision : 27-01-2022

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 439

Indian Penal Code, 1860 — Section 294, 354, 506

Protection Of Children From Sexual Offences Act, 2012 — Section 7, 8

Citation : (2022) 01 MP CK 0148

Hon'ble Judges : G.S. Ahluwalia, J

Bench : Single Bench

Advocate : Alok Sharma, C.P. Singh

Final Decision : Allowed

Judgement

G.S. Ahluwalia, J

This second application under Section 439 of Cr.P.C. has been filed for grant of bail. First application was dismissed for want of prosecution by order

dt.12.01.2022 passed in M.Cr.C. No.761/2022.

The applicant has been arrested on 13.12.2021 in connection with Crime No.124/2021 registered at Police Station Endori, Distt. Bhind for offence

under Sections 354, 294, 506 of IPC and Section 7, 8 of POCSO Act.

It is submitted by the counsel for the applicant that the applicant was in habit of stalking the complainant. On the date of incident, he tried to pull the

complainant by catching hold of her hand. It is submitted that although the allegations are false but even otherwise the applicant is in jail for

approximately 1 and 1/2 months. The Trial is likely to take sufficiently long time and there is no possibility of his absconding or tampering with the

prosecution case.

Per contra, the application is vehemently opposed by the counsel for the State. However, it is fairly conceded that as per case diary, the applicant has no criminal antecedents.

Considering the facts and circumstances of the case, without commenting on the merits of the case, the application is allowed. It is directed that the

applicant be released on bail on furnishing a personal bond in the sum of Rs.1,00,000/- (Rupees One Lac) with one surety in the like amount to the

satisfaction of the Trial Court/Committal Court to appear before the Court on the dates given by the concerned Court.

This order shall remain effective till the end of trial but in case of bail jump, it shall become ineffective.

In the light of the judgment passed by the Supreme Court in the case of Aparna Bhat and others Vs. State of M.P. Passed on 18.03.2021 in Criminal

Appeal No. 329/2021, the intimation regarding grant of bail be sent to the complainant.

Certified copy as per rules.