
(2021) 02 MP CK 0082

In the Madhya Pradesh High Court

Case No : Miscellaneous Criminal Case No.7375 Of 2021

Raghuveer Korku

APPELLANT

Vs

State Of Madhya Pradesh And Others

RESPONDENT

Date of Decision : 10-02-2021

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 437(3), 439
Indian Penal Code, 1860 — Section 363, 376(D)(A), 506
Indian Penal Code, 1860 — Section 5G, 6

Citation : (2021) 02 MP CK 0082

Hon'ble Judges : Mohd. Fahim Anwar, J

Bench : Single Bench

Advocate : Ashish Sinha, Atul Dwivedi, Mohan Patel

Final Decision : Allowed

Judgement

Mohd. Fahim Anwar, J

This is repeat-second application filed under Section 439 of Cr.P.C for grant of bail to the applicant, as he has been arrested in connection with Crime

No.110/2020, registered at P. S. Bilkisganj District Sehore for commission of offence punishable under Sections 363, 376(D)(A), 506 of IPC and 5-

G/6 of POCSO Act.

Earlier application of the applicant was dismissed as withdrawn by this Court vide order dated 13.1.2021 passed in M. Cr. C. No.39847/2020.

Allegation of the prosecution is that on 1.6.2020 the prosecutrix aged about 14 years three months was gone to the house of her grant mother to attend

marriage ceremony of near relative, at about 11.00 p.m. co-accused Ragan Korku has called her and when she came out from the house then co-

accused Ragan Korku & Hemraj have taken her to the field of Hari Prasad where

they have committed forceful intercourse with her. It is also alleged that the time of the incident applicant Raghuvver was also present there but has not participated in the crime. She narrated the incident to her father and accompanied him lodged the report. On that basis above mentioned crime has been registered against the applicant and other co-accused. It is submitted by the learned counsel for the applicant that the applicant is innocent. He has not committed any offence. He has been falsely implicated in the case. It is further submitted that the statements of the prosecutrix (P. W.1), her mother Babli Bai (P.W.2), her father Ramprakash (P.W.4) and Dr. Bhavna Raikwar (P.W.3) have been recorded before the trial Court and they have not supported the case of the prosecution in respect of the present applicant. He is in judicial custody since 1.6.2020. The applicant is permanent resident of the address mentioned in the application and there is no likelihood of his absconding or tampering with the prosecution witnesses. The trial will take time to conclude. Therefore, it is prayed that the applicant be released on bail.

Learned counsel for the respondent/ State as well as the counsel for the complainant/ objector opposes the submission made on behalf of the applicant and prayed for rejection of the bail application.

After perusing the statements of the prosecution witnesses recorded before the trial Court and duration of judicial custody of the applicant (since 1.6.2020), I am of the considered view that it is a fit case for grant of bail to the applicant. Hence, without commenting on merits, this repeat application is allowed.

It is directed that the applicant shall be released on bail on furnishing personal bond in the sum of Rs.30,000/- (Rupees Thirty thousand only) along with one solvent surety of the like amount to the satisfaction of the trial Court to appear before the court on the dates given by the concerned Court.

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

In view of the outbreak of 'Corona Virus disease (COVID-19)' the concerned Jail Authority is directed to follow the directions/ guidelines issued by the Government with regard to COVID-19 before releasing the applicant.

This M.Cr.C. stands allowed and disposed of.

C. C. as per rules.