

(2023) 07 MP CK 0071

In the Madhya Pradesh High Court

Case No : Miscellaneous Criminal Case No. 30525 Of 2023

Rahul

APPELLANT

Vs

State Of Madhya Pradesh And Others

RESPONDENT

Date of Decision : 14-07-2023

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 437(3), 439

Indian Penal Code, 1860 — Section 354D

Protection Of Children From Sexual Offences Act, 2012 — Section 11(iv), 12

Citation : (2023) 07 MP CK 0071

Hon'ble Judges : Prem Narayan Singh, J

Bench : Single Bench

Advocate : A.K. Saraswat, Rajesh Joshi

Final Decision : Allowed

Judgement

Prem Narayan Singh, J

Heard and perused the case diary.

(1) This is the first bail application filed on behalf of the applicant under Section 439 of the Code of Criminal Procedure for grant of bail in relation to Crime No.174/2023, registered at Police Station-Sailana, District-Ratlam for the offence under Sections 354-D of IPC, 1860 and Section 11(iv)/12 of Protection of Children from Sexual Offences Act, 2012. The applicant is in custody since 22.06.2023.

(2) Allegation against the applicant is that he continued to follow the prosecutrix and to compel her to talk over phone and used to give threats to the prosecutrix.

(3) Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the present crime. Only allegation against the applicant is that of following her and asking her to talk over phone. The applicant is in custody since 22.06.2023 and the conclusion of trial will take sufficient time. On the aforesaid grounds, he prays for grant of bail.

(4) Learned counsel for the state has opposed the application by submitting that the applicant has stopped the engagement of the prosecutrix by sending photos and hence prays for rejection of the bail application.

(5) Looking to the facts and circumstances of the case, on a perusal of the material available on record including the case diary, the nature of offence, without commenting on the merits of the case, this application is allowed.

(6) It is directed that the applicant/accused be released on bail on his furnishing a personal bond in the sum of Rs.50,000/- (Rupees Fifty Thousand Only) with one solvent surety in the like amount to the satisfaction of the trial court for securing his presence before the said Court on all the dates of hearing fixed in this regard during trial. It is also directed that the applicant shall comply with the provisions of Section 437(3) Cr.P.C.

(7) By way of abundant caution, it is further directed that the applicant shall also mark his presence before the concerned Police Station on 1st and 3rd Sunday of every month between 10.00 am to 12.00 noon during pendency of the trial. Any default in attendance in court and marking presence in the concerned police station, would result in cancellation of bail granted by this Court thereby entitling the police to take the applicant in custody immediately.

Certified Copy as per rules.