

(2023) 08 MP CK 0140

In the Madhya Pradesh High Court

Case No : Miscellaneous Criminal Case No. 38142 Of 2023

Rahul Kol

APPELLANT

Vs

State Of Madhya Pradesh And Others

RESPONDENT

Date of Decision : 28-08-2023

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 439

Indian Penal Code, 1860 — Section 363, 366(D), 376

Protection Of Children From Sexual Offences Act, 2012 — Section 5, 6

Citation : (2023) 08 MP CK 0140

Hon'ble Judges : Anuradha Shukla, J

Bench : Single Bench

Advocate : A. S. Parihar, Ranjana Agnihotri

Final Decision : Dismissed

Judgement

Anuradha Shukla, J

This is first application under Section 439 of the Code of Criminal Procedure 1973 for grant of bail filed on behalf of the applicant who has been arrested relating to FIR/Crime No.165/2023 dated 13.06.2023 registered at Police Station Badera, district Satna, for the offences punishable under Sections 363, 366(D) and 376 of IPC and Section 5/6 of POCSO Act.

Learned counsel for the applicant submits that the applicant is in custody since 14.06.2023 and the trial will take considerable time to conclude. He further submits that the applicant is innocent and has falsely been implicated in the case. The applicant is a permanent resident of district Satna and is ready to furnish adequate surety and shall abide by all the conditions to be imposed by the Court. Upon these grounds, it is prayed that the applicant be released on bail.

Learned counsel for the State has opposed the bail application.

Heard learned counsel for the parties and perused the case diary.

In this case, the prosecutrix aged 16 years and 6 months was enticed away by the present applicant on the false promise of marriage. He repeatedly committed sexual intercourse with the prosecutrix and then left her disclosing that he was already married having a child and the prosecutrix was below 18 years of age, therefore, he could not marry her.

It is claimed by the applicant that the prosecutrix was having an affair with him but from the statements of prosecutrix it is revealed that she was not aware of the fact that the applicant was already married and believing upon his false promise of marriage, she entered into physical relationships with him.

Looking to the age of prosecutrix and the act of applicant, this Court is not inclined to allow the application.

The application is dismissed.