
(2019) 11 MP CK 0085

In the Madhya Pradesh High Court

Case No : Miscellaneous Criminal Case No. 43307 Of 2019

Rahul S/O Kalu Singh Gurjar

APPELLANT

Vs

State Of Madhya Pradesh

RESPONDENT

Date of Decision : 06-11-2019

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 437(3), 439
Indian Penal Code, 1860 — Section 367(2)(n), 506

Citation : (2019) 11 MP CK 0085

Hon'ble Judges : S.K. Awasthi, J

Bench : Single Bench

Advocate : Manish Manana, Gaurav Kumar Verma

Final Decision : Allowed

Judgement

They are heard. Perused case diary.

This first application under Section 439 of Criminal Procedure Code, 1973 has been filed by applicant, who is implicated in connection with Crime No.416/2019 registered at Police Station Nagda, District Ujjain (MP) for offence punishable under Sections 376 (2) (n) and 506 of the Indian Penal Code, 1860.

The applicant is in custody since 18.09.2019.

As per prosecution case, on the basis of the allegations made by the prosecutrix, alleged offence under Sections 376 (2) (n) and 506 of the Indian Penal Code, 1860 has been registered against the present applicant.

Learned counsel for the applicant has submitted that the applicant is a young boy aged about 18 years and he has not committed any offence. The prosecutrix is a married lady aged about 28 years and according to the FIR as well as the statement of the prosecutrix, the incident took place on 11.07.2019, however, FIR has been lodged on 03.08.2019, after a delay of 22 days and no plausible explanation has been offered by the prosecutrix regarding the delay in lodging

the FIR. It is further submitted that the incident alleged to have taken place near the house of the prosecutrix and her husband was also present in the house, however, neither she raised any alarm nor made any complaint to her husband regarding the incident, which also creates doubt about the allegations made by the prosecutrix. The applicant is in custody since 18.09.2019. The investigation is going on and he is not required for further interrogation. There is no possibility of his absconsion or tampering with the evidence, if enlarged on bail. The conclusion of the trial will take sufficiently long time. Under these circumstances, learned Senior Counsel for the applicant prays for grant of bail to the applicant.

Learned Public Prosecutor for the non-applicant / State of Madhya Pradesh opposes the bail application by contending that no sufficient ground is made out for releasing the applicant on bail; hence he prayed for rejection of the application.

Considering the facts and circumstances of the case and the arguments advanced by learned counsel for the parties, but without commenting on the merits of the case, the application filed by the applicant is allowed. The applicant is directed to be released on bail upon his / her furnishing a personal bond in the sum of Rs.50,000/- (Rupees fifty thousand only) with one solvent surety of the like amount to the satisfaction of trial Court, for his / her regular appearance before the trial Court during trial with a condition that he / she shall remain present before the Court concerned during trial and shall also abide by the conditions enumerated under Section 437 (3) of Criminal Procedure Code, 1973.

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

Certified copy, as per rules.