
(2020) 12 MP CK 0054

In the Madhya Pradesh High Court

Case No : Miscellaneous Criminal Case No. 48607 Of 2020

Raja Alias Rajju

APPELLANT

Vs

State Of Madhya Pradesh And Others

RESPONDENT

Date of Decision : 08-12-2020

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 439

Indian Penal Code, 1860 — Section 363, 366, 376, 376(2)(n)

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

Citation : (2020) 12 MP CK 0054

Hon'ble Judges : Rajeev Kumar Dubey, J

Bench : Single Bench

Advocate : M.K. Meshram, Jitendra Shrivastava

Final Decision : Allowed

Judgement

Rajeev Kumar Dubey, J

This is second application under Section 439 of the Cr.P.C. for grant of bail. Applicant Raj @ Rajju was arrested on 03/07/2019 in connection with

Crime No.150/2019 registered at Police Station Katangi, District Balaghat for the offence punishable under Sections 363, 366, 376, 376(2)(n) of the

IPC and Section 5(L)/6 of the POCSO Act.

As per the prosecution case on 23/06/2019 applicant abducted the prosecutrix, who was minor aged about 15 years and took her to Nagur, where he

sexually exploited her on the pretext of marriage.

Learned counsel for the applicant submits that applicant is innocent and has falsely been implicated in the offence. The statements of prosecutrix

(PW/1) and her relatives Kautika Patel (PW/2), Anil Patel (PW/3), Lakshmi Pate (PW/4), Pyarelal (PW/5) and Ajay Patel (PW/6) have been

recorded by the trial Court. They did not support the prosecution story and turned hostile. The applicant has been in custody since 03/07/2019. The

charge-sheet has been filed and conclusion of trial will take time, hence prayed for release of the applicant on bail.

Learned counsel for the State opposed the prayer and submitted that the applicant abducted a minor girl and committed rape with her, so he should not be released on bail.

Looking to the facts and circumstances of the case and the fact the statements of prosecutrix (PW/1) and her relative Kautika Patel (PW/2), Anil

Patel (PW/3), Lakshmi Pate (PW/4), Pyarelal (PW/5) and Ajay Patel (PW/6) have been recorded by the trial Court, the applicant is in custody since

03/07/2019 and conclusion of trial will take time, without commenting on the Date: 2020.12.08 15:48:06 IST merits of the case, the application is

allowed and it is directed that the applicant be released on bail upon his furnishing personal bond in the sum of Rs.50,000/- (Rs. Fifty Thousand Only)

with one surety in the like amount to the satisfaction of the concerned C.J.M/trial Court for his appearance before the concerned Court on all such

dates as may be fixed in this behalf by the trial Court during the pendency of trial.

This order will remain operative subject to compliance of the following conditions by the applicant :-

1. The applicant will comply with all the terms and conditions of the bond executed by him;
 2. The applicant will cooperate in the trial;
 3. The applicant will not indulge himself in extending inducement, threat or promise to any person acquainted with the fact of the case so as to dissuade him from disclosing such facts to the Court;
 4. The applicant shall not commit an offence similar to the offence of which he is accused;
 5. The applicant will not seek unnecessary adjournments during the trial; and
 6. The applicant will not leave India without prior permission of the trial Court.
- C.C. on payment of usual charges.