
(2023) 05 MP CK 0005

In the Madhya Pradesh High Court

Case No : Miscellaneous Criminal Case No. 18364 Of 2023

Ram Prakash

APPELLANT

Vs

State Of Madhya Pradesh

RESPONDENT

Date of Decision : 01-05-2023

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 437(3), 439
Indian Penal Code, 1860 — Section 341, 376, 506

Citation : (2023) 05 MP CK 0005

Hon'ble Judges : Nandita Dubey, J

Bench : Single Bench

Advocate : Nitin Jain, G.S. Thakur

Final Decision : Allowed

Judgement

Nandita Dubey, J

This is the repeat application filed by the applicant under Section 439 of the Cr.P.C. for grant of bail. His earlier application (M.Cr.C.No.3472/2023) has been dismissed by this Court on 27.02.2023 as withdrawn with liberty to file afresh after the material witnesses have been examined.

The applicant is in custody since 18.12.2022 in connection with FIR No.134/2010 (date not mentioned) registered at Police Station Amarkantak, District-Anuppur, for the offence punishable under Sections 341,376 and 506 of IPC.

As per prosecution, a complaint was lodged by the prosecutrix that the present applicant along with his brother co-accused Ramlalan abused her and committed rape with her. However, in her Court statement she has retracted her statement as regards the present applicant and stated that the present applicant has not done anything and the act was committed by co-accused Ramlalan. The vaginal swabs, etc. were sent for FSL examination.

Learned GA has opposed the prayer for grant of bail. However, he fairly submits

that the FSL report has come negative as against the applicant.

Considering the Court statement of prosecutrix wherein she has retracted her statement as against the present applicant, and also taking into consideration the FSL report, without adverting to the merits of the case, this application is allowed.

It is directed that applicant be released on bail on his furnishing a personal bond in the sum of Rs.50,000/- (Rupees Fifty thousand only) with two sureties in the like amount to the satisfaction of the trial Court/committal Court for his appearance on the dates given by the concerned Court. It is further directed that the applicant shall also comply with the provisions of Section 437(3) of Cr.P.C.

In case, if the applicant is found involved in any other offence during the pendency of the trial or during the bail period, or if any attempt is made by him to influence or threaten the witnesses, directly or indirectly, shall entail cancellation of this bail order.

Certified copy as per rules.