
(2012) 10 MP CK 0116
In the Madhya Pradesh High Court
Case No : M. Cr. C. No. 7297 of 2012

Ramjan

APPELLANT

Vs

The State of Madhya Pradesh

RESPONDENT

Date of Decision : 04-10-2012

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 437(3), 439
Income Tax Act, 1961 — Section 66(DA), 67(K)
Indecent Representation of Women (Prohibition) Act, 1986 — Section 4
Penal Code, 1860 (IPC) — Section 327, 376(2)(g), 506

Citation : (2012) 10 MP CK 0116

Hon'ble Judges : S.R. Waghmare, J

Bench : Single Bench

Advocate : Asif Warsi, for the Appellant; Bhagwan Singh, Learned Counsel for the State, for the Respondent

Final Decision : Allowed

Judgement

Mrs. S.R. Waghmare, Judge

1. By this third application filed u/s 439 of the Cr. P.C., applicant Ramjan has moved the application for grant of bail being implicated in crime No. 179/2011 registered by police Susner, District Shajapur for offence under Sections 376(2)(g), 327, 506 of the IPC and 66(DA), 67(K) of IT Act, 3(1)(12) of SC & ST (Prevention of Atrocities) Act and Section 4 of Indecent Representation of Woman (Prohibition) Act, 1986. Counsel for the applicant has vehemently urged the fact that it was a case of false implication. The first two applications have been dismissed as not pressed. However, liberty was granted to the applicant to file fresh application. Counsel submitted that the prosecutrix has now been examined in Court and on cross-examination she has candidly admitted that the present applicant is not involved in the offence. Moreover, Counsel submitted that co-accused Shahrukh Khan has already been granted bail by this Court in M.Cr.C. No. 7297/2012 under the same set of circumstances. Counsel submitted that the present applicant is only 19 years of age and is likely to deteriorate if he

is allowed to remain in custody for a long time. Hence, on the grounds of parity also Counsel prayed for grant of bail since the applicant is in jail from 13/12/2011.

2. Counsel for the respondent State, on the other hand, has not opposed the submissions of the Counsel for the applicant and has submitted that the case is almost identical. He however, prayed for dismissal of the application.

3. On considering the above submissions, material available in the case diary and looking to the nature of allegations and on the grounds of parity, I find that the application for grant of bail needs to be allowed since the applicant is only 19 years of age and is likely to deteriorate in custody and it is hereby allowed.

4. It is ordered that the applicant be released on bail on his furnishing a personal bond for a sum of Rs. 25,000/- (Rupees Twenty five thousand only) with one surety of the like amount to the satisfaction of the Trial Court for his appearance before the concerned trial Court on all dates of hearing as may be fixed by the Trial Court in this behalf during the pendency of trial.

5. It is further directed that the applicant shall attend on each date of hearing of his trial before the concerned Court out of which this bail arises. In addition, he shall also mark his presence in the concerned police station on first Sunday of every month between 10 a.m. to 12 a.m. during the pendency of the trial. Any default in attendance in Court and marking his 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.

6. It is also directed that the applicant shall abide by all the conditions enumerated u/s 437(3) of the Cr. P.C. C.c. as per Rules.