

(2020) 10 MP CK 0216

In the Madhya Pradesh High Court

Case No : Miscellaneous Criminal Case No. 25064 Of 2020

Ravendra Keawt

APPELLANT

Vs

State Of Madhya Pradesh And Others

RESPONDENT

Date of Decision : 20-10-2020

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 164, 437(3), 439
Indian Penal Code, 1860 — Section 363, 366, 376
Protection Of Children From Sexual Offences Act, 2012 — Section 3, 4

Citation : (2020) 10 MP CK 0216

Hon'ble Judges : Mohd. Fahim Anwar, J

Bench : Single Bench

Advocate : Akhilesh Singh, Manoj Kushwaha, R.P. Singh

Final Decision : Allowed

Judgement

Mohd. Fahim Anwar, J

Heard on this first application for bail under Section 439 of the Code of Criminal Procedure filed on behalf of the applicant in connection with Crime No.117/2019 registered at Police Station Chakghat, District-Rewa under Sections 363, 366, 376 of the Indian Penal Code and Sections 3, 4 of the Protection of Children From Sexual Offences Act, 2012.

The case of the prosecution is that, on 14.6.2019, prosecutrix who was aged about 17 years and 3 months was found to be disappeared from her residential house which comes under the jurisdiction of Police Station Chakghat, District-Rewa. It is also alleged that on 11.7.2019, she returned back to her parental house and lodged the report against the applicant, who is her brother-in-law (Jija) that he has taken her on the wrong information that his wife (prosecutrix sister) is calling her. It is also alleged that applicant has taken the prosecutrix to Faijabad, where he solemnized the marriage and committed forceful intercourse with her. It is also alleged that on 15.7.2019, statement of prosecutrix under Section 164 of Cr.P.C., was recorded in which she has supported the allegation of

the prosecution. On that basis, aforementioned crime has been registered against the applicant.

Learned counsel for the applicant submitted that the applicant has not committed any offence and has falsely been implicated in the crime. It is further submitted that the applicant is a permanent resident of the address shown in the application. He is ready to furnish adequate surety and shall abide by all terms and conditions imposed upon him. There is no chance of his absconding or tampering with the evidence. It is also submitted that prosecutrix is above 17 years aged girl who has ran away with the applicant with her own consent and solemnized marriage with him. It is submitted that parents of prosecutrix were aware of the situation, that's why they have not lodged any missing complaint for about one month and when the prosecutrix has come back, then only F.I.R. has been lodged. It is also submitted that prosecutrix and her parents admitted and realized their fault and have also filed their affidavits that they have no objection if the applicant is granted bail. In view of the aforesaid, prayer has been made to enlarge the applicant on bail.

Learned Panel Lawyer for the respondent/ State on the other hand has opposed the application.

Learned counsel for the objector submitted that complainant has no objection if the applicant is granted bail.

On the date of incident, prosecutrix was marginally minor. She remained absconded for one month and in between the said period no report of her missing is lodged by her parents. Prosecutrix and her parents have also filed their affidavits by which they have specifically stated that applicant is not the person who has taken away the prosecutrix. The marriage of the prosecutrix has already been solemnized with some other person and she is residing with him in other village peacefully.

Keeping in view the facts and circumstances of the case particularly the fact as pointed out by the learned counsel for the applicant, allegation made against the applicant and also looking to the period of his detention, in the opinion of this Court, the applicant deserves to be released on bail. Consequently, this application is allowed.

It is directed that the applicant shall be released on bail on furnishing a personal bond in the sum of Rs.30,000/- (Rupees Thirty Thousand only) with one solvent surety in the same amount to the satisfaction of the trial Court for his appearance before that Court on all dates fixed in the case and for complying with the conditions enumerated under Section 437 (3) of the Code of Criminal Procedure.

In view of the outbreak of 'Corona Virus disease (COVID-19)' the applicant shall also comply the rules and norms of social distancing. Further, in view of the order passed by the Hon'ble Supreme Court in suo moto W.P.No.1/2020, it

would be appropriate to issue the following direction to the jail authority :-

1 . The Jail Authority shall ensure the medical examination of the applicant by the jail doctor before his release.

2. The applicant shall not be released if he is suffering from 'Corona Virus disease'. For this purpose appropriate tests will be carried out.

3 . If it is found that the applicant is suffering from 'Corona Virus disease', necessary steps will be taken by the concerned authority by placing him in appropriate quarantine facility.

This M.Cr.C. stands allowed and disposed of.

C.C. as per rules.