

(2022) 01 MP CK 0131

In the Madhya Pradesh High Court

Case No : Miscellaneous Criminal Case No.45718 Of 2022

Richa @ Mukesh Dhurve

APPELLANT

Vs

State Of M.P. And Others

RESPONDENT

Date of Decision : 24-01-2022

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 439

Indian Penal Code, 1860 — Section 376(2)(i), 376(2)(l), 376(2)(n), 376(3)

Protection Of Children From Sexual Offences Act, 2012 — Section 4, 5K, 5(L), 6

Citation : (2022) 01 MP CK 0131

Hon'ble Judges : Rajeev Kumar Dubey, J

Bench : Single Bench

Advocate : Siddharth Sharma, Pradeep Dwivedi

Final Decision : Dismissed

Judgement

Rajeev Kumar Dubey, J

This is first application filed under Section 439 of Cr.P.C. for grant of bail. Applicant Richa @ Mukesh Dhurve was arrested on 22/06/2021 in

connection with Crime No.332/2021 registered at Police Station Chicholi, District Betul for the offence punishable under Sections 376(2)(i), 376(2)(l),

376(2)(n), 376(3) of the IPC and Section 4, 5K/L, 5(L)/6 of the POCSO Act.

As per the prosecution case applicant committed rape with the prosecutrix, who was minor, due to which she became pregnant.

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

been recorded by the trial Court. She did not depose anything against the applicant in her Court statement. The applicant has been in custody since

22/06/2021. 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 from the statement of prosecutrix it is clear that due to the act of applicant, she

became pregnant, so he should not be released on bail.

Looking to the facts and circumstances of the case, the contention of learned counsel for the State and the allegation that applicant committed rape

with a minor girl, due to which she became pregnant, this Court is not inclined to grant bail to the applicant.

Accordingly, M.Cr.C. is rejected.

It also appears from the record that applicant is in custody since 22/06/2021 and trial is still pending, so it is expected from the trial Court to dispose of

the case as early as possible preferably within seven months from the date of receipt of the copy of this order.

A copy of this order be sent to the concerned trial Court for compliance.