
(2021) 03 MP CK 0117

In the Madhya Pradesh High Court

Case No : Miscellaneous Petition No. 14318 Of 2021

Rinku @ Balmukund Yadav

APPELLANT

Vs

State Of Madhya Pradesh

RESPONDENT

Date of Decision : 18-03-2021

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 439

Indian Penal Code, 1860 — Section 376, 376(2)(n), 506

Citation : (2021) 03 MP CK 0117

Hon'ble Judges : Rajeev Kumar Dubey, J

Bench : Single Bench

Advocate : Jitendra Tiwari, Manoj Kushwaha

Final Decision : Allowed

Judgement

Rajeev Kumar Dubey, J

This is first bail application filed by the applicant under Section 439 of Cr.P.C. Applicant Rinku @ Balmukund Yadav was arrested on 01/03/2021 in Crime No.100/2021 registered at Police Station Sohagpur, District Shahdol (M.P.) for the offence punishable under Sections 376, 376(2) (n), 506 of IPC.

As per prosecution case, applicant sexually exploited the prosecutrix on the pretext of marriage thereafter he denied to marry her.

Learned counsel for the applicant submits that the applicant has not committed any offence and has falsely been implicated in the offence. It is further submitted that the prosecutrix was major and made sexual relation with the applicant on her own will. The applicant is still ready to marry with the prosecutrix and she is also ready to marry with the applicant and in this regard she also filed an application before the trial court at the time of hearing of the bail application. The applicant has been in custody since 01/03/2021 and the conclusion of trial will take time, hence prayed for release of the applicant on bail.

Learned counsel for the respondent/State opposed the prayer.

Looking to the facts and circumstances of the case, contention of the learned counsel for the applicant and the fact that prosecutrix was major, applicant is in custody since 01/03/2021 and the conclusion of trial will take time, without commenting on the 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 Court for his appearance before the trial 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 or to the Police Officer;
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.

Certified copy as per rules.