

(2022) 12 MP CK 0134

In the Madhya Pradesh High Court

Case No : Miscellaneous Appeal No. 60988 Of 2022

Rinku @ Dharmraj Prajapati

APPELLANT

Vs

State Of Madhya Pradesh

RESPONDENT

Date of Decision : 22-12-2022

Acts Referred:

Indian Penal Code, 1860 — Section 363, 366, 376(2)(N)
Protection Of Children From Sexual Offences Act, 2012 — Section 3, 4
Code Of Criminal Procedure, 1973 — Section 161, 164, 439

Citation : (2022) 12 MP CK 0134

Hon'ble Judges : Anand Pathak, J

Bench : Single Bench

Advocate : Dinesh Singh Tomar, B.P.S. Chauhan

Final Decision : Allowed

Judgement

Anand Pathak, J

The applicant has filed this FIRST bail application u/S.439 of the Cr.P.C for grant of bail. Applicant has been arrested on 10.11.2022, by Police Station- City Kotwali, District- Morena, in connection with Crime No.1048/2022, for the offence punishable under Sections 363, 366, 376(2) (N) of the IPC and Sections 3/4 of the POCSO Act.

It is the submission of learned counsel for the applicant that false case has been registered against the applicant and applicant is suffering confinement since 10.11.2022 on false pretext. Applicant is a young boy aged 18 years whereas prosecutrix is at the cusp of majority or around 18 years of age. From the statements recorded under Section 161 and 164 of the Cr.P.C., it appears that prosecutrix left her maternal home on her own volition and she lived for 5 days with the applicant without raising any alarm. Confinement amounts to pretrial detention. Applicant undertakes to cooperate in trial as well as investigation and would make himself available as and when required. He would not be a source of embarrassment or harassment to the complainant and he would not move in the

vicinity of the complainant party. Under these grounds, counsel prayed for bail.

Learned Public Prosecutor for the State opposed the prayer and prayed for its dismissal.

Heard learned counsel for the parties at length and perused the documents appended.

Considering the submissions advanced by the learned counsel for the parties and facts situation, a chance be given to him for course correction, without commenting on the merits of the case, the application is allowed. It is hereby directed that the applicant shall be released on bail on his furnishing personal bond of Rs.50,000/- (Rupees Fifty Thousand Only) with one solvent surety in the like amount to the satisfaction of trial Court.

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 investigation/trial, as the case may be;
3. The applicant will not indulge himself in extending inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or to the Police Officer, as the case may be;
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;
6. The applicant will not leave India without previous permission of the trial Court/Investigating Officer, as the case may be;

Application stands allowed and disposed of.

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

Certified copy as per rules.