
(2023) 10 MP CK 0076

In the Madhya Pradesh High Court

Case No : Miscellaneous Criminal Case No. 45720 Of 2023

Ritik @ Ladiya Piplode

APPELLANT

Vs

State Of Madhya Pradesh And Others

RESPONDENT

Date of Decision : 19-10-2023

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 437(3), 439

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

Protection Of Children From Sexual Offences Act, 2012 — Section 5, 6

Citation : (2023) 10 MP CK 0076

Hon'ble Judges : Sanjay Dwivedi, J

Bench : Single Bench

Advocate : Anirudh Kumar Mishra, B.K Upadhyay

Final Decision : Allowed

Judgement

Sanjay Dwivedi, J

This is third application on behalf of the applicant under Section 439 of the Code of Criminal Procedure for grant of bail in connection with FIR/Crime No. 242/2022 registered at Police Station Shahpura, District Bhopal for the offence under Sections 376DA, 376(2)(n) of IPC and section 5/6 of POCSO Act. Applicant is in custody since 11.05.2022. The earlier bail application of the applicant were dismissed as withdrawn.

Learned counsel for the applicant submits that the statement of the prosecutrix has been recorded before the trial court and as per her statement, it is clear that present applicant has not committed any forceful act with her. Although, she is consenting party, merely because her age is below 18 years, therefore, her consent carries no legal sanctity. He submits that trial is still going to take time, present applicant is undertrial accused, aged about 21 years, therefore his bail applicant can be considered.

Learned counsel for the respondent/State has opposed the the bail application

and submitted that looking to the age of the prosecutrix and conduct of the present applicant, bail application deserves to be rejected.

Considering the submission made by the learned counsel for the parties, the material available in the case diary and period of custody, without commenting anything on merit of the case, this application is also allowed.

It is directed that the applicant be released on bail upon his furnishing a personal bond in the sum of Rs.50,000/- (Rupees Fifty Thousand) with one solvent surety of the like amount to the satisfaction of the trial Court concerned for his appearance on the dates given by it.

It is further directed that the applicant shall abide by the conditions enumerated in Section 437(3) of the Code of Criminal Procedure.

Certified copy as per rules.