
(2018) 04 MP CK 0141
In the Madhya Pradesh High Court
Case No : M.Cr.C. No.12399 OF 2018

Rohit	Vs	APPELLANT
State Of Madhya Pradesh		RESPONDENT

Date of Decision : 21-04-2018

Acts Referred:

Indian Penal Code, 1860 — Section 354, 354D
Code Of Criminal Procedure, 1973 — Section 439
Prevention of Children from Sexual Offences Act, 2012 — Section 7, 8

Citation : (2018) 04 MP CK 0141

Hon'ble Judges : VIRENDER SINGH, J

Bench : Single Bench

Advocate : Yogesh Kumar Gupta, Virendra Patel, Vishal Sanothiya

Final Decision : Allowed

Judgement

This bail application under section 439 of CrPC is in connection with crime number 46/2018 U/s 354, 354 (D) of Indian of IPC and under Section 7/8

of Prevention of Children from Sexual Offences Act, 2012 registered at Police Station Azad Nagar District-Â Indore.

2. As per information given by the accused/applicant, this is the first bail application in connection with the present crime number. No other bail

application is either filed or pending before or decided by any coordinate bench of this court or by Honâ??ble the Apex court in the same crime

number.

3. It is submitted by the learned counsel for the applicant that the applicant is innocent and has falsely been implicated in the present case. There is no

evidence against him. Conclude of trial is likely to take time. The applicant is permanent resident of Indore.Â There is no possibility of his absconding.

He is ready to furnish adequate security.

4. It is further submitted that both the parties are relatives and parents of the prosecutrix has compromised the case, the allegation against the present

applicant that he was chasing the prosecutrix which is bailable offence, only non bailable allegation apart from chasing, he tried to give mobile phone to

the prosecutrix.Â Therefore, he may be released on bail.

5. Learned counsel for the applicant made statement at Bar that no criminal antecedent is attributed to the applicant.

6. The Prosecution has opposed the bail application, however, learned counsel for the objector has no objection in granting the bail to the applicant.

7. According to the prosecution case,Â the applicant was chasing to the prosecutrix and expressed his wish to marry her and also tried to hand over

the mobile phone for remaining in touch with the prosecutrix.

8. The accused is in custody from 23.03.2018. Investigation is over and charge sheet has already been filed. Trial is likely to take time.

9. In view of the aforesaid and other facts and circumstances of the case, I deem it proper to release the accused on bail. Therefore, without

commenting on merits of the case, the application is allowed.

10. It is directed that the applicant Rohit S/o Balramram Ji Modi be released from custody on his furnishing a personal bond in the sum of Rs. 10,000/-

(Rupees Ten Thousand only) with one solvent surety of the like amount to the satisfaction of the Trial Court for his appearance before the Trial Court

as and when required further subject to the following conditions:Â Â

Â (i) The applicant shall co-operate in the trial and shall attend the trial Court during the trial;

(ii) The applicant shall not directly or indirectly allure or make any inducement, threat or promise to the prosecution witnesses, so as to dissuade them

from disclosing such facts of the Court;

(iii) The applicant shall not commit any offence or involve in any criminal activities;

(iv) In case, involvement in any other criminal activities is found, the bail granted in this case may also be cancelled. C.C. as per rules.