

(2023) 09 MP CK 0130

In the Madhya Pradesh High Court

Case No : Miscellaneous Criminal Case No. 43302 Of 2023

Shaif Qureshi

APPELLANT

Vs

State Of Madhya Pradesh And Others

RESPONDENT

Date of Decision : 27-09-2023

Acts Referred:

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

Indian Penal Code, 1860 — Section 34, 363, 368, 376, 376(3), 376(2)(n), 506

Protection Of Children From Sexual Offences Act, 2012 — Section 3, 4, 5(L), 6

Citation : (2023) 09 MP CK 0130

Hon'ble Judges : Vishal Dhagat, J

Bench : Single Bench

Advocate : Rahul Kumar Tripathi, Santosh Yadav

Final Decision : Allowed

Judgement

Vishal Dhagat, J

1. This is the first application filed by the applicant under Section 439 of the Code of Criminal Procedure for grant of regular bail relating to FIR No. 202/2023. registered at Police Station Parasiya, District Chhindwara (M.P.) for the offences under Sections 363, 368, 376, 376(3), 376(2)(n), 506 and 34 of the Indian Penal Code and Sections 3, 4, 5(L) and 6 of the POCSO Act.

2. Learned counsel appearing for the applicant submitted that applicant is innocent and has falsely been implicated in the case of rape. Applicant was having love relationship with prosecutrix. Due to said relation, prosecutrix eloped with him. When applicant was discovered alongwith prosecutrix, she has lodged false report of rape. Applicant is in jail since 19.06.2023. In these circumstances, applicant may be enlarged on bail.

3. Learned Government Advocate appearing for the State opposed the application for grant of bail. It is submitted that prosecutrix is minor. Applicant had threatened the prosecutrix and had forced her to leave the house with him.

Applicant had kidnapped and abducted the prosecutrix. In these circumstances, applicant may not be released on bail.

4. Heard the counsel for the parties.

5. On going through the facts of the case diary, it is found that applicant has gifted mobile phone to prosecutrix and both of them were talking with each other. Prosecutrix left the house and went alongwith the applicant.

6. Considering aforesaid circumstances and age of prosecutrix and also taking into consideration young age of applicant, bail application filed by applicant is allowed. It is directed that applicant be released on bail on his furnishing personal bond of Rs.50,000/-(Rs. fifty thousand only) with a solvent surety in the like amount to the satisfaction of the trial court for his regular appearance before concerned Court on all such dates as may be fixed in this regard during pendency of trial.

7. The applicant shall also abide by the conditions enumeration under Section 437 (3) of Cr. P. C.

8. C.C. as per rules.