

(2021) 11 MP CK 0030

In the Madhya Pradesh High Court

Case No : Miscellaneous Criminal Case No.55707 Of 2021

Sugan Bai

APPELLANT

Vs

State Of Madhya Pradesh And Others

RESPONDENT

Date of Decision : 12-11-2021

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 437(3), 439
Indian Penal Code, 1860 — Section 363, 368, 376(2)(N)

Citation : (2021) 11 MP CK 0030

Hon'ble Judges : Sujoy Paul, J

Bench : Single Bench

Advocate : Gaurav K. Verma, Archana Maheshwari

Final Decision : Allowed

Judgement

Sujoy Paul, J

This is second application filed by the applicant under Section 439 of the Code of Criminal Procedure, 1973 for grant of bail in connection with Crime No.418/2021 registered at Police Station "A" Bagli, District Dewas for the offences registered under Sections 368, 363, 376(2)(N) of the IPC and 5(L)/6 of the POCSO Act. The applicant is in custody since 06.08.2021.

Learned counsel for the applicant submits that the first application was withdrawn on 23.10.2021. The present second bail application is filed after recording of statement of prosecutrix (PW1) on 26.10.2021. The prosecutrix has turned hostile. No useful purpose would be served in keeping the applicant in custody. The applicant has no criminal record. On this basis, bail is prayed for the applicant who is a house wife.

The prayer is opposed by the learned counsel for the respondent/state.

However, she did not dispute that the applicant has no criminal record.

This Court has granted bail in similar background to co-accused Ramu Bai in

M.Cr.C. No. 53883/2021 on 11.11.2021.

By applying the principle of parity and without expressing any opinion upon the merits of the case, I deem it proper to enlarge the applicant on bail. Accordingly, the bail application is allowed.

The applicant is directed to be released on bail on her furnishing a personal bond in the sum of Rs.50,000/- (Rupees Fifty Thousand Only) with one solvent surety of the like amount to the satisfaction of the trial Court for her regular appearance before the trial Court during trial with a condition that she shall remain present before the Court concerned during trial and shall also abide by the conditions enumerated under Section 437 (3) Criminal ProcedureCode, 1973.