

(2021) 07 MP CK 0139

In the Madhya Pradesh High Court

Case No : Miscellaneous Criminal Case No.35360 Of 2021

Surendra Kumar Choudhary (Ahirwar)

APPELLANT

Vs

State Of Madhya Pradesh And Others

RESPONDENT

Date of Decision : 19-07-2021

Acts Referred:

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

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

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

Citation : (2021) 07 MP CK 0139

Hon'ble Judges : Vishal Dhagat, J

Bench : Single Bench

Advocate : Pradeep Naveriya, RahulTripathi

Final Decision : Dismissed

Judgement

Vishal Dhagat, J

This is the second application for bail under Section 439 of Cr.P.C. on behalf of the applicant, who is in jail since 3.11.2020 in connection with Crime

No. 1176/2020 registered at Police Station: Kotwali, District Damoh for the offences under Sections 376, 376(2)(n) of the IPC and Sections 5 and 6 of

the POCSO Act. The first application of the applicant being M.Cr.C.No. 46465/2020 was dismissed as withdrawn on 24.04.2021.

Learned counsel for the applicant submitted that the applicant has been falsely implicated in the case. Applicant is in jail since 3.11.2020. The material

witnesses of the case has already been examined and there is no likelihood that after being released on bail, the applicant will be able to influence the

witnesses of the case or tamper with the evidence. It is further submitted that there is no likelihood of the completion of trial in near future and

considering the period of custody of the applicant, the applicant may be released on bail.

Learned counsel for the State has opposed the application. It is submitted that the first application was dismissed as withdrawn. It is further submitted

that there is medical evidence available against the applicant and prosecutrix has also given statement against the applicant during investigation. Under

these circumstances, he made a prayer that application be dismissed.

Heard the learned counsel for the parties.

It is directed that the applicant shall be released on bail on his furnishing personal bond of Rs.50,000/- (Rs. Fifty Thousand only) with solvent surety in the like amount to the satisfaction of the trial court.

In addition to aforesaid condition, the applicant shall abide by the conditions enumerated under Section 437(3) of Cr. P. C.

C.C as per rules.