

(2024) 02 MP CK 0060

In the Madhya Pradesh High Court

Case No : Miscellaneous Criminal Case No. 6918 Of 2024

Vikash Gaur

APPELLANT

Vs

State Of Madhya Pradesh And Others

RESPONDENT

Date of Decision : 17-02-2024

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 164, 437(3), 439
Indian Penal Code, 1860 — Section 34, 376, 506
Protection Of Children From Sexual Offences Act, 2012 — Section 3, 4

Citation : (2024) 02 MP CK 0060

Hon'ble Judges : Maninder S. Bhatti, J

Bench : Single Bench

Advocate : Sheersh Agrawal, Ajay Tamrakar

Final Decision : Allowed/Disposed Of

Judgement

Maninder S. Bhatti, J

1. This is first bail application filed by the applicant under Section 439 of the Code of Criminal Procedure for grant of regular bail relating to FIR/Crime No.26/2024 dated 24.01.2024 registered at Police Station-Dehat, District Narmadapuram for the alleged offence punishable under sections 376 and 506 of IPC and under Section 3/4 of the POCSO Act.

2. Learned counsel for the applicant contends that the applicant is aged about 20 years and the date of birth of the prosecutrix is 14-11-2006. As per allegations levelled by the prosecution, on the date of incident i.e. 19-06-2023, the prosecutrix was aged about 17 years. It is contended by the counsel that from the statement of the prosecutrix recorded under Section 164 CrPC, it is evident that the applicant and prosecutrix were known to each other and when they were found together by the sister of the prosecutrix, the applicant has been falsely implicated. It is contended by the counsel that the applicant himself is aged about 20 years and there is no criminal past against him, therefore, he deserves to be enlarged on bail.

3. Per contra, learned counsel for the State has opposed the prayer for grant of bail while submitting that there are direct allegations against the applicant.

4. Having considered the submissions advanced on behalf of the parties, a perusal of the statement of the prosecutrix recorded under Section 164 of CrPC reflects that the applicant and the prosecutrix were known to each other. The incident has taken place on 19-06-2023 and the FIR has been lodged on 24-01-2024.

5. Therefore, considering the totality of the circumstances and also the age of the applicant as well, who is aged about 20 years, this Court deems it proper to release the applicant on bail. Therefore, without commenting on the merits of the case, the application is allowed.

6. It is directed that the applicant- Vikash Gaur shall be released on bail on his furnishing a personal bond in a sum of Rs.50,000/- (Rupees Fifty Thousand Only) with one surety in the like amount to the satisfaction of the trial Court concerned for his appearance before the said Court on all such dates as may be fixed in this regard during the pendency of trial.

7. It is further directed that the applicant shall comply with the provisions of Section 437(3) of the Cr.P.C.

8. Accordingly, this M.Cr.C. stands allowed and disposed of.

Certified copy as per rules.