

THE HIGH COURT OF MADHYA PRADESH
MCRC.40066/2018
(Raju alias Rajendra Vs. State of M.P.)

GWALIOR; dated 10.12.2018

Shri Atul Gupta, learned counsel for the applicant.

Shri Ravindra Singh Kushwah, learned Public Prosecutor for the respondent No.1/State.

None for the respondent No.2.

Heard the learned counsel for the parties and perused the case diary.

The applicant has filed this application under Section 439 of Cr.P.C. for grant of bail, who has been arrested and is in custody since 17.5.2018, in connection with Crime No.96/2018, registered at Police Station Latery district Vidisha, for the offence punishable under Sections 363, 366A and 376 (2) (N) of the IPC.

It is the submission of learned counsel for the applicant that this case is of consent and prosecutrix solemnized marriage but since prosecutrix was allegedly minor at the relevant point of time, therefore, the case has been registered against the applicant. On the basis of document, filed by applicant by way of Samagra Portal, counsel tries to submit that she was aged 17 years in the year 2013. Entire story indicates trappings of improbabilities. He is in confinement since 17.5.2018 and charge sheet has already been filed. Therefore, confinement would amount to pre-trial detention. He undertakes to appear regularly before the trial court till trial is concluded. On these grounds, he prayed for grant of bail to the applicant.

Learned Public Prosecutor for the State on the basis of case diary opposed the prayer made by the applicant and prayed for dismissal of this application.

Considering the submissions advanced by learned counsel for the applicant as well as fact situation of the case, but without expressing any opinion on merits of the case, this application is allowed and it is directed that the applicant be released on bail on furnishing a personal bond in the sum of **Rs.1,00,000/- (Rs. One lac only)** with one solvent surety of the like amount to the satisfaction of the concerned trial Court.

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This order will remain operative subject to compliance of the following conditions :-

1. The applicant will comply with all the terms and conditions of the bond executed by him;
2. The applicant will cooperate in the investigation/trial, as the case may be;
3. The applicant will not indulge himself in extending inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to the Police Officer, as the case may be;
4. The applicant shall not commit an offence similar to the offence of which he is accused;
5. The applicant will not seek unnecessary adjournments during the trial.
6. The applicant will not leave India without previous permission of the trial Court/Investigating Officer, as the case may be.

A copy of this order be sent to the Court concerned for compliance.

C.C. as per rules.

(Anand Pathak)
Judge