

**The High Court of Madhya Pradesh****M.Cr.C. No. 17798/2020****(Balram Lodhi Vs. State of M.P. & another)****Gwalior dated 31.07.2020**

Shri Girraj Singhal, learned counsel for the petitioner.

Shri Vijay Sundaram, learned Panel Lawyer, for respondent/State.

Learned counsel for the rival parties are heard through video conferencing.

The petitioner has filed this second repeat application u/S.439 Cr.P.C. for grant of bail after rejection of earlier one on 21.01.2020 in Merc.499.2020 with liberty to come again after examination of prosecutrix.

The petitioner has been arrested on 06.12.2019 by Police Station-Pichhore, District Shivpuri (M.P.), in connection with Crime No.38/2018 registered in relation to the offences punishable u/Ss.354, 323, 376 IPC.

Learned counsel for State opposed the application and prayed for its rejection by contending that on the basis of the allegations and the material available on record, no case for grant of bail is made out.

Earlier application was dismissed vide order dated 21.01.2020 in Merc.499.2020 with liberty to come again after examination of prosecutrix. The prosecutrix has not yet been examined.

Ground of delay in trial is raised.

Considering the gravity of offence and the fact that the merits of the matter have already been considered, this Court for the time being declines bail and grants further liberty to the prosecution to examine the prosecutrix.

**(Sheel Nagu)**  
**Judge**

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