

The High Court of Madhya Pradesh**M.Cr.C. No. 22844/2020****(Mangilal @ Mangu Dhakad Vs. State of M.P.)****Gwalior dated 31.07.2020**

Shri Ankur Maheshwari, 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 first application u/S.439 Cr.P.C. for grant of bail.

The petitioner has been arrested on 20.06.2020 by Police Station-Bamori, District Guna (M.P.), in connection with Crime No.124/2020 registered in relation to the offences punishable u/Ss.363, 354, 323, 506-B IPC and Sec. 9(m)/10 of the Protection of Children from Sexual Offences Act 2012.

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.

Outraging the modesty is alleged against the petitioner in respect of a prosecutrix aged 9 to 10 years. Charge-sheet in the matter has been filed.

It is submitted that the petitioner had met with an accident prior to

the incident and had fractured his ankle and when the incident is alleged to have taken place his leg was plastered and therefore it is submitted by learned counsel for the petitioner that the petitioner could not have committed the offence. It is also submitted that there is variance in the version of the prosecutrix in the statements recorded u/Secs.161 and 164 Cr.P.C. In the statement u/Sec.164 Cr.P.C., there is no allegation against the petitioner of pulling off the leggings of prosecutrix while in statement recorded u/Sec.161 Cr.P.C. it is revealed that prosecutrix was asked by petitioner to take off her leggings but in the meantime the petitioner ran away on prosecutrix raising a hue and cry.

This Court would not like to go into the minor discrepancies besetting the prosecution case. Release of the the petitioner would be at the risk of endangering the mental tranquility of the prosecutrix who is a young girl aged 09 to 10 years.

Accordingly, this Court for the time being dismisses the petition.

(Sheel Nagu)
Judge