

THE HIGH COURT OF MADHYA PRADESH
Merc.17137-2021
(Rajendra Gurjar Vs. State of M.P.)

Gwalior Dt. 22.04.2021

Shri Hemant Kushwah, learned counsel for the petitioner.

Shri A.K. Nirankari, learned Public Prosecutor for the respondent-State.

Case diary is perused.

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

This is 1st application filed u/S.439 Cr.P.C. for grant of bail by the petitioner.

The petitioner has been arrested on 14.12.2020 by Police Station Haidergarh, District Vidisha (M.P.), in connection with Crime No.130/2020 registered in relation to the offences punishable u/Ss.366, 363, 506 part 2, 376 (2)(n), 376(D)(a) and 5(g)(1)/6 of POCSO Act.

Learned Public Prosecutor 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.

Petitioner who happens to be one of the accused/friend of son of co-accused Munnalal Gurjar, was also involved in the offence of rape against prosecutrix aged about 12-13 years.

The ground of parity raised by placing reliance on the order of bail granted in favour of co-accused Munnalal Gurjar (father of co-accused Niranjan Singh Gurjar) on 17.03.2021 in Merc 13798/2021.

The distinguishing feature is that the said co-accused (father of co-accused Niranjan Singh Gurjar) was not alleged with rape whereas the

petitioner and as well as his friend Niranjan Singh Gurjar both are alleged with rape by the prosecutrix even in her statement before the court which was recorded on 12.02.2021.

In view of above, no case for grant of bail is made out.

Accordingly, present bail application stands dismissed.

(Sheel Nagu)
Judge

ojha