

HIGH COURT OF MADHYA PRADESH**MCRC-49133/2021****(*Sonu Kushwaha Vs. State of MP*)****Gwalior, Dated: 20.10.2021**

Shri Anshu Gupta, learned counsel for the applicant-**Sonu Kushwaha**.

Shri Siraz Qureshi, learned Public Prosecutor for the respondent/State.

This is **first** bail application u/S.439 Cr.P.C filed by the applicant for grant of regular bail.

Applicant has been arrested on 14.4.2021 by Police Station, Pathari, District Vidisha, in connection with Crime No.67/2021 for the offence punishable under Sections 363, 366, 376, 376(2)(n), 313 of IPC and later on added Sections 3/4 and 5/6 of POCSO Act.

As per prosecution case, on 14.4.2021, father of the prosecutrix lodged a complaint at Police Station Pathari, District Vidisha alleging that her 17 years old daughter (prosecutrix) is missing from 6 pm and he has doubt that applicant/accused Sonu took her with him. On his report, crime under Section 363 IPC bearing Crime No. 67/2021 was registered. Thereafter, the prosecutrix was recovered. Her statement was recorded, wherein she stated that two months before the applicant/accused without informing her family members had taken her forcefully and committed intercourse with her, due to which she became pregnant, subsequently she got aborted. After recording her statement, offence under Sections 366, 376, 376(2)(n) of IPC and Sections 3/4 and 5/6 of POCSO Act was enhanced. The applicant was arrested on 11.6.2021. After completion of investigation, charge sheet has been filed.

Learned counsel for the applicant has submitted that the applicant has been falsely implicated. As per MLC report, no external

or internal injury has been found on the body of the prosecutrix, hence no prima facie case is made out against the applicant. The applicant has no criminal antecedents. The conclusion of trial will take its own time. The applicant undertakes to cooperate in trial and to abide by the conditions which may be imposed by this Court. On such premises, learned counsel for the applicant prayed for regular bail.

Learned counsel for the State opposed the application and prayed for its rejection.

Both the Advocates are heard. Case diary perused.

Looking to the facts and circumstances of the case, this Court is inclined to grant regular bail to the applicant. Therefore, it is directed that if the applicant furnishes bail bond of **Rs.50,000/- (Rupees Fifty Thousand only)** with one solvent surety in the like amount to the satisfaction of the trial Court, he be released on bail with the condition that the applicant will remain present during trial before the trial Court on each and every date.

Application stands allowed and disposed of.

Certified copy as per rules.

(Deepak Kumar Agarwal)
Judge

(yog)