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THE HIGH COURT OF MADHYA PRADESH
M.Cr.C. No.2960/2022
Yogesh Rathore Vs. State of M.P. and another

Through Video Conferencing
Gwalior, Dated: 24/01/2022

Shri Arvind Kumar Dwivedi, Advocate for applicant.

Shri C.P. Singh, Panel Lawyer for the State.

Case diary is available.

This first application under Section 438 of Cr.P.C. has been filed for grant of anticipatory bail.

The applicant apprehends his arrest in connection with Crime No.242/2021 registered at Police Station Mohna, District Gwalior for offence under Sections 366-A, 376, 376 (2) (n), 506 of IPC and Section 5/6 of the POCSO Act.

According to the prosecution case, the date of birth of the prosecutrix is 14/9/2006 and she eloped with the applicant on 15/12/2021 and went to Delhi where she stayed in a room for 6-7 days. It is submitted that the prosecutrix was recovered on 22/12/2021 and her statement was recorded on the said date, in which she stated that she went to Mathura on her own and used to eat food by taking it from the temples and today she has come back to Gwalior. However, two days thereafter, i.e.24/12/2021, her supplementary statement was recorded, in which she made an allegation of rape.

Per contra, the application is vehemently opposed by the counsel for the State. It is submitted that in the MLC, which was conducted on 24/12/2021, her hymen was found torn and healed.

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Thus, it is clear that she was subjected to rape and her supplementary statement recorded on 24/12/2021 is fully corroborated by her medical evidence.

Considering the age of the prosecutrix as well as considering the allegation of rape against the applicant, no case is made out for grant of bail. Accordingly, the application fails and is hereby **dismissed.**

(G.S. Ahluwalia)
Judge

Arun*