

1

**IN THE HIGH COURT OF MADHYA PRADESH
AT GWALIOR**

**BEFORE
HON'BLE SHRI JUSTICE GURPAL SINGH AHLUWALIA
ON THE 30th OF NOVEMBER, 2022**

MISC. CRIMINAL CASE No. 56175 of 2022

BETWEEN:-

**PRADEEP RATHORE S/O SHRI MEWARAM RATHORE,
AGED ABOUT 27 YEARS, OCCUPATION: LABOUR SATI
VIHAR COLONY KILA GATE (MADHYA PRADESH)**

.....APPLICANT

(BY MR. ANKUSH JAIN - ADVOCATE)

AND

- 1. THE STATE OF MADHYA PRADESH INCHARGE
POLICE STATION PS GORMI (MADHYA PRADESH)**
- 2. PROSECUTRIX CRIME NO. 242/2020 THROUGH
POLICE STATION GORMI DISTRICT BHIND
(MADHYA PRADESH)**

.....RESPONDENTS

(MR. S.K. SHARMA - PUBLIC PROSECUTOR)

.....
*This application coming on for hearing this day, the court passed the
following:*

ORDER

Case diary is available.

This sixth repeat application under Section 439 of Cr.P.C. has been filed for grant of bail. Fifth application has been dismissed as withdrawn vide order dated 25.08.2022 passed in M.Cr.C.No.40764/2022.

The applicant has been arrested on 10.04.2021 in connection with Crime No.242/2020 registered at Police Station Gormi, District Bhind for offence under Sections 363, 366-A, 376(2)(n) of IPC and Section 5/6 of POCSO Act.

It is submitted by learned counsel for the applicant that previous bail application was rejected with liberty to revive the prayer along with the complete order-sheets of the trial Court. It is submitted that although the prosecutrix has supported the case of prosecution but her parents PW-2 and PW-3 have not supported the prosecution case, therefore, grant of bail may be considered sympathetically.

Per contra, counsel for the State submitted that once the prosecutrix has supported the prosecution case, then whether her parents have turned hostile or not is immaterial.

Heard the learned counsel for the parties.

The previous bail application of the applicant has already been dismissed on merit. Even according to the applicant, the prosecutrix has supported the case of prosecution. So far as the fact that the parents of the prosecutrix has turned hostile is concerned, that will not have any effect on the prosecution case because the prosecutrix is victim of the offence and not her parents.

Although the counsel for the applicant has filed the order-sheets of the trial Court but has not advanced any arguments on the question of delay and also did not refer to any of the order-sheets.

Accordingly, no case is made out for grant of bail for taking a contrary view in the matter. Therefore, this application is **dismissed**.

(G.S. AHLUWALIA)
JUDGE