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

**BEFORE
HON'BLE SHRI JUSTICE DEEPAK KUMAR AGARWAL**

ON THE 17th OF MARCH, 2023

MISC. CRIMINAL CASE No. 11888 of 2023

BETWEEN:-

**DHEERAJ S/O LAXMAN RAJAK, AGED ABOUT 24 YEARS,
R/O GRAM WALI BAJNA TEHSIL KELARAS PARGANA
JOURA (MADHYA PRADESH)**

.....APPLICANT

(BY SHRI P.K. KULSHRESTHA - ADVOCATE)

AND

- 1. THE STATE OF MADHYA PRADESH THROUGH
POLICE STATION JOURA (MADHYA PRADESH)**
- 2. ABHIYOKTRI THROUGH POLICE STATION JOURA,
MORENA THROUGH POLICE STATION JOURA,
MORENA (MADHYA PRADESH)**

.....RESPONDENTS

(BY SHRI NITIN GOYAL - PANEL LAWYER)

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

ORDER

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

The applicant has been arrested on 31.01.2023 by Police Station- Joura District Morena M.P.) in connection with Crime No.53/2023 for the offence punishable under Sections 363, 366-A, 376, 376(2)(N), 120-B of IPC and Section 5/6 of POCSO Act.

The prosecution case, in short is that mother of the prosecutrix alongwith

her husband lodged an FIR at police station Joura, District Morena alleging that from 17.01.2023 at 7pm, her daughter aged 17 years 11 months was missing and the parents of the prosecutrix searched but could not trace her and also alleged that somebody persuaded her. On the aforesaid report, Crime No.53/2023 for the offence punishable under Sections 363, 366-A, 376, 376(2) (N), 120-B of IPC and Section 5/6 of POCSO Act was registered. Prosecutrix was rescued on 28.01.2023. Her statements were recorded, in which she stated her age 17 years and 11 months and from last 16 years, she knows present applicant-accused because he lives near her house. She also stated that she loves present applicant-accused, therefore, she and applicant reached Morena by bus and solemnized their marriage. Afterwards she brought to Joura District Morena by police and sent for medical examination.

Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in this case. The applicant is in custody since 31.01.2023. The applicant is ready to abide by all the terms and conditions as may be imposed by this Court. With the aforesaid submissions, prayer for grant of bail is made.

Per contra, learned counsel for the State vehemently opposed the application and prayed for dismissal of the application.

Looking to the facts & circumstances of the case, without commenting upon merits of the case, this Court is of the opinion that the application should be allowed and by allowing the application it is ordered that if the applicant furnishes **cash security of Rs.5,000/- alongwith bail bond of Rs.25,000/- (Rupees twenty five thousand only)** with one solvent surety in the like amount to the satisfaction of the trial Court, he should be released on bail.

He will present during trial before the trial Court on each and every date.
In case of default, cash security of Rs. 5,000/- shall stand forfeited automatically.

Application stands **allowed and disposed of.**

Copy of this order be sent to the trial Court concerned for compliance.

Certified copy as per rules.

(DEEPAK KUMAR AGARWAL)
JUDGE

Adnan

