

**THE HIGH COURT OF MADHYA PRADESH, BENCH AT INDORE****M.Cr.C. No.41580 of 2018**  
***(Sharukh & another vs. State of MP)*****Indore, dated : 12.11.2018**

Shri R. R. Bhatnagar, learned counsel for the applicants.

Shri Bhuwan Deshmukh, learned Public Prosecutor for the non-applicant – State.

Heard. Case diary perused.

This is first application under Section 439 of Cr.P.C. for grant of bail in connection with Crime No.260/2018 registered at Police Station – Jaora City, District Ratlam, concerning offences under Sections 363, 366 and 376 (DA) of IPC alongwith Sections 5/6 of the Protection of Children from Sexual Offences Act.

As per prosecution story, on 03.08.2018, mother of prosecutrix Pramila lodged a report at police station Jaora City that her minor daughter aged about 17 years has been abducted by some accused person and after searching the prosecutrix, complainant was unable to find her and thereafter, prosecutrix was recovered and her statement was recorded in which she made allegation against the applicant No.1 regarding commission of rape upon her.

Learned counsel for the applicants submit that the applicants – Sharukh and Aashu @ Nahru are youths aged about 23 years and 22 years respectively and are not having any criminal antecedents. The statement of prosecutrix and her mother Pramila has been recorded before the trial Court on 28.09.2018 in which they have not stated anything about the applicants and have turned hostile. Under these circumstances, no alleged offence is made out against the applicants, who are in custody since 03.08.2018. Investigation is over and charge-sheet has been filed. Conclusion of trial will take considerable

**THE HIGH COURT OF MADHYA PRADESH, BENCH AT INDORE****M.Cr.C. No.41580 of 2018**  
***(Sharukh & another vs. State of MP)***

time. There is no possibility of their absconsion or tampering with the evidence. Under these circumstances, learned counsel for the applicants pray for grant of bail to the applicants.

Learned counsel for the State submits that no sufficient ground is made out for releasing the applicants on bail, hence the application filed by the applicants be dismissed.

Considering the facts and circumstances of the case and the arguments advanced by learned counsel for the parties, but without commenting on the merits of the case, the application filed by the applicants is allowed. The applicants – **Sharukh & Aashu @ Nahru** are directed to be released on bail on their furnishing a personal bond in the sum of **Rs.50,000/- (Rupees Fifty Thousand Only) each** with one solvent surety each of the like amount to the satisfaction of the trial Court for their regular appearance before the trial Court during trial with a condition that they shall remain present before the court concerned during trial and shall also abide by the conditions enumerated under Section 437(3) Cr.P.C.

Certified copy, as per rules.

**(S. K. Awasthi)**  
**Judge**

gp