

High Court of Madhya Pradesh, Jabalpur
Bench at Indore
Miscellaneous Criminal Case No.19202/2019
(Najaru uddin @ Bhayya s/o Gabbu Khan Pathan
Versus
The State of Madhya Pradesh)

Indore, Dated 16.05.2019

Mr. Tushar Bhedasgaonkar, learned counsel for the applicant.

Mr. Lokesh Bhargava, learned Public Prosecutor for the non-applicant / State of Madhya Pradesh.

They are heard. Perused challan papers.

This second application under Section 439 of Criminal Procedure Code, 1973 has been filed by applicant, who is implicated in connection with Crime No.506/2018 registered at Police Station Deendayan Nagar, Ratlam District Ratlam (MP) for offence punishable under Sections 363, 366-A, 376 (1) and 506-II of the Indian Penal Code, 1860 and also under Section 5-L read with Section 6 of the Protection of Children from Sexual Offence Act, 2012.

The applicant is in custody since 16.11.2018.

As per prosecution case, allegation of abduction and rape has been made against the present applicant. Hence, the present case has been registered against him.

Learned counsel for the applicant has submitted that the applicant is innocent and he has been falsely implicated in the present crime. Earlier bail application of the applicant was dismissed by this

Court vide order dated 03.04.2019 passed in Miscellaneous Criminal Case No.12513/2019 granting liberty to renew his prayer after recording the Court statement of the prosecutrix. Now, the prosecutrix and her mother have been examined before the trial Court on 25.04.2019 and they have not stated anything against the applicant regarding abduction or commission of rape on the prosecutrix. Under these circumstances, no alleged offence is made out against the applicant. The applicant is in custody since 16.11.2018. The investigation is over and charge sheet has been filed. Conclusion of the trial will take sufficiently long time. Under these circumstances, learned counsel for the applicant prays for grant of bail to the applicant.

Learned Public Prosecutor for the non-applicant / State of Madhya Pradesh opposes the bail application by contending that no sufficient ground is made out for releasing the applicant on bail; hence he prayed for rejection of the application.

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 applicant is allowed. The applicant is directed to be released on bail upon his / her furnishing a personal bond in the sum of **Rs.50,000/- (Rupees Fifty Thousand only)** with

one solvent surety of the like amount to the satisfaction of trial Court, for his / her regular appearance before the trial Court during trial with a condition that he / she shall remain present before the Court concerned during trial and shall also abide by the conditions enumerated under Section 437 (3) of Criminal Procedure Code, 1973.

This order shall be effective till the end of the trial, however, in case of bail jump, it shall become ineffective.

Certified copy, as per rules.

(S.K. Awasthi)
Judge