

High Court of Madhya Pradesh, Jabalpur
Bench at Indore
Miscellaneous Criminal Case No.19970/2019
(Anusuiya @ Sugna @ Anisha w/o Ramesh Meghawal
Versus
The State of Madhya Pradesh)

Indore, Dated 16.05.2019

Mr. Dinesh Chouhan, learned counsel for the applicant.

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

They are heard. Perused the case diary.

This third application under Section 439 of Criminal Procedure Code, 1973 has been filed by applicant, who is implicated in connection with Crime No.221/2013 registered at Police Station Kukdeshwar, District Neemuch (MP) for offence punishable under Sections 363 and 376 of the Indian Penal Code, 1860 and also under Section 5 read with Section 6 of the Protection of Children from Sexual Offence Act, 2012.

The applicant is in custody since 01.11.2018.

As per prosecution case, on 17.12.2013 father of the prosecutrix lodged report that his daughter is missing and some unknown person allured her. On 23.10.2018, the prosecutrix was recovered from Bhilwara. Her statement was recorded in which she disclosed that five years ago, Anusuiya had taken her to Mandsaur and she sent her with Kishan to Village Arndiyagor. Co-accused Kishan forcefully made physical relationship with her. The prosecutrix delivered two children, but one child had died. They took her to Bhilwara, where they lived for one year.

The present applicant demanded money from co-accused Kishan, so he had given a sum of Rs.5,000/- to her. Hence, the present case has been registered against the applicant.

Learned counsel for the applicant has submitted that the applicant is lady aged about 35 years and she has not committed any offence. It is further submitted that earlier bail application of the applicant was dismissed by this Court vide order dated 22.11.2018 passed in Miscellaneous Criminal Case No.46564/2018, granting liberty to renew his prayer after recording Court statement of the prosecutrix. Now, prosecutrix and her father have been examined before the trial Court on 25.04.2019. They made only allegation against the applicant that she helped co-accused Kishan in taking her (prosecutrix) to Bhirwara. It is also submitted that there are family dispute between the applicant and father of the prosecutrix, therefore, false implication of the applicant cannot be ruled out. The applicant is in custody since 01.11.2018. 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