

THE HIGH COURT OF MADHYA PRADESH, BENCH AT INDORE**Cr.A.No.6399.20*****(Sumer Singh S/o Sardar Singh Rajput vs. State of MP)*****Indore, dated : 19.01.2021**

Shri Harshwardhan Pathak, learned counsel for the appellant is present in person through Video Conferencing.

Shri Rajwardhan Gawde, learned Public Prosecutor for the respondent – State is present in person through Video Conferencing.

Heard.

This is a criminal appeal filed under Section 14-A(2) of the SC/ST (Prevention of Atrocities) Act, 1989 seeking bail in respect of Crime No.505/2020 registered at Police Station Mandleshwar, for allegedly committing offence under Sections 376, 506, 450 of IPC and Sections 3(1)(w)(i), 3(2)(v) of SC/ST (Prevention of Atrocities) Act, 1989.

As per prosecution story, on 30.11.2020, at 11.00 p.m., when prosecutrix was sleeping, the appellant had entered into the house and committed rape upon the prosecutrix.

Learned counsel for the appellant has read out the statement recorded under Section 161 of Cr.P.C. of the daughter of the prosecutrix, who has submitted that she was woken up by her aunt on the date of incident and told her that prosecutrix had bolted her room from inside. The room was knocked at but there was no reply. Subsequently the room was opened by the prosecutrix, who was found to be dressed in scanty clothes and the appellant was hiding beneath the cot of the prosecutrix. Learned counsel submits that charge-sheet has been filed in this matter.

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Learned counsel for the State was heard, who submits that the prosecutrix has corroborated the story of the prosecution in her statement recorded under Section 161 of Cr.P.C.

Considered.

In view of the submissions mainly made by the learned counsel for the appellant, without expressing any opinion on merits of the case, appeal is allowed and it is directed that appellant – **Sumer Singh S/o Sardar Singh Rajput** shall be released on bail subject to his furnishing a personal bond in the sum of **Rs.50,000/- (Rupees Fifty thousand only)** with **one local solvent surety** in the like amount to the satisfaction of the concerned Trial Court with a direction that he will cooperate in trial and present himself regularly before the Trial Court on each and every date fixed by the Court concerned during trial and if during trial, he is found absent without any sufficient cause by the Trial Court, then the bail order passed by this Court shall automatically come to an end without reference to the Court.

With the aforesaid, the criminal appeal stands disposed of.

Certified copy as per rules.

(Shailendra Shukla)
Judge

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