

THE HIGH COURT OF MADHYA PRADESH

M.Cr.C. No.11636/2020

Indore, dated :02/06/2020

Shri Bhavdeep Singh, learned counsel for the applicant.

Shri Aditya Choudhary, learned Panel Lawyer for the respondent /State.

Heard. Case diary perused.

This is first application under Section 439, Cr.P.C. for grant of bail in connection with Crime No. 1206/2019, registered at Police Station-Khajrana, District-Indore for commission of the offence under Sections 376, 376(1), 376(2) (f), 376(2)(n) and 506 of the IPC alongwith Sections 3, 4, 5, 6 and 5(n) of the Protection of Children from Sexual Offences Act, 2012.

As per prosecution story, it is alleged that in the month of May-June, 2019, when the prosecutrix has gone to her aunts house, then her cousin committed rape upon her by giving her some intoxicating substance.

Learned counsel for the applicant submitted that the applicant is a youth of aged about 24 years and he has not committed any offence. The incident alleged to have been taken place in the month of June, 2019; whereas the FIR has been lodged by the prosecutrix on 01/12/2019 i.e. after six months of the alleged incident and no plausible explanation has been given by the prosecutrix in this regard. It is also submitted that earlier the prosecutrix has made the allegations against her cousins Omkar and Omprakash regarding teasing her, on the basis of which Crime No. 325/2019 was registered against them for commission of offence punishable under Sections 354, 354(1)(i) and 354(1)(ii)/34 of the IPC alongwith Sections 7/8, 9(n)/10 of the Protection of Children from Sexual Offences Act, 2012. But the prosecutrix admitted in her court statement

that she reported such incident only because her brothers were troubling her to get the name of her friend, therefore, they have been acquitted by the trial Court, vide order dated 24/01/2020, which clearly indicates that the prosecutrix is in habit to make false allegation regarding sexual assault against her relatives. The applicant is in custody since 05/12/2019. Investigation is over and charge-sheet has been filed. Conclusion of trial will take considerable time. Under these circumstances, learned counsel for the applicant prays for grant of bail to the applicant.

Learned Panel Lawyer submits that no sufficient ground is made out for releasing the applicant on bail, hence the application filed by the applicant 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 applicant is allowed. The applicant is directed to be released on bail on his 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, with a condition that he shall remain present before the Court concerned during trial and shall also abide by the conditions enumerated under Section 437 (3) of Cr.P.C.

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.

skt

(S. K. Awasthi)
Judge

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Lokesh Patil Vs. State of M.P.