

HIGH COURT OF MADHYA PRADESH

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MCRC No.36665/2020

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(Ajay Bagri Vs. State of M.P.)

Indore, Dated : 16.10.2020

Shri Gagan Bajad, learned counsel for the applicant.

Shri Siddharth Jain, learned counsel for the State.

Heard on the question of grant of bail through video conferencing.

This is an application made by the applicant under Section 439 Cr.P.C. for grant of bail during trial.

Notice of this application was served on the State counsel. Case diary as per the direction of this Court has been produced and it has been perused.

The applicant is facing trial for offence punishable under Section 363, 366, 342 of the IPC registered with Police Station Sujalpur Mandi, Bhopal, in Crime No.240/2020.

Learned counsel appearing for the applicant submits that the FIR about missing prosecutrix was lodged at 8.30 P.M. on 1.8.2020 and that the prosecutrix was recovered on 2.8.2020 and that her statement under Section 161 of Cr.P.C. was recorded, wherein she had stated that she had voluntarily accompanied the present applicant. He further submits that custody of the prosecutrix was given to her parents on 2.8.2020 and thereafter on 4.8.2020 the statement of prosecutrix were recorded under Section 164 of the Cr.P.C. implicating the present applicant. He further submits that as per the said statement the applicant had forced her to accompany him on 2.8.2020, whereas the missing person report was lodged on 1.8.2020 and she was already recovered on 2.8.2020. He further submits that only the offence under Section 366 of the IPC is non bailable, for

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which no minimum sentence is prescribed and the applicant is a young boy of 18 years of age who is in custody since 2.8.2020, the investigation is complete and Challan has been filed.

In reply, learned counsel for the State has opposed the application for grant of bail and has referred to the statement of prosecutrix recorded under Section 164 of the Cr.P.C. on 4.8.2020. He has not disputed the statement of prosecutrix which was recorded under Section 161 of the Cr.P.C. on 2.8.2020.

On perusal of the case diary and considering the circumstances of the case, I find prima facie force in the submissions made by the counsel for applicant. Hence I am of the considered view that the application for grant of bail deserves to be allowed and is accordingly **allowed**.

The **applicant-Ajay Bagri** is directed to be released on bail upon his furnishing a personal bond in the sum of **Rs.35,000/- (Rs. Thirty Five Thousand)** with one surety in the like amount to the satisfaction of the Trial Court for his appearance as and when directed.

The applicant will attend each hearing of his trial before the Trial Court out of which this bail arises. Any default in attendance in Court would result in cancellation of the bail granted by this Court.

C.C. as per rules.

(Prakash Shrivastava)
Judge

trilok/-