

HIGH COURT OF MADHYA PRADESH

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MCRC No.52545/20

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(Fattu Vs. State of M.P.)

Indore, Dated : 19.1.2021

Shri Gopal Yadav, learned counsel for the applicant is present in person through Video Conferencing.

Shri Sagar Muley, learned Public Prosecutor for the non applicant/State is present in person through Video Conferencing.

Heard through video conferencing. Perused the case diary.

This is first application under Section 439 of Cr.P.C. for grant of bail. Applicant –Fattu S/o Narayan Dhanger is implicated in Crime No.341/2020 registered at Police Station – Dharampuri, District Dhar for the offence punishable under Sections 376, 456, 506 of the IPC and he is in custody since 7.11.2020.

As per the prosecution story, the applicant had committed rape upon the prosecutrix on 25.2.2020.

Learned counsel for the applicant submits that charge sheet has been filed and the FIR was lodged on 15.10.2020 i.e. about 8 months after the date of the incident and the prosecutrix is a married lady and no proper explanation for the delay has been offered by the prosecution.

Learned Public Prosecutor for the State was also heard who has opposed the application.

Considered.

On due consideration of the aforesaid submissions, mainly those advanced by the learned counsel for the applicant, without commenting upon the merits of the case, this bail application is allowed and it is directed that **applicant–Fattu S/o Narayan Dhanger** shall be released on

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bail upon his furnishing a personal bond in the sum of **Rs.50,000/- (Rupees Fifty thousand only)** with **one solvent surety** in the like amount to the satisfaction of the concerned Trial Court/Committal Court for his regular appearance before the Trial Court/Committal Court on all dates of hearing as may be fixed in this behalf by the Court concerned during trial. It is also directed that the applicant shall abide by all the conditions enumerated under Section 437(3) of the Cr.P.C.

A copy of this order be sent to the Court concerned for compliance.

M.Cr.C. No.52545 is allowed and stands disposed of.

C.C. as per rules.

(Shailendra Shukla)
Judge

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