

THE HIGH COURT OF MADHYA PRADESH, BENCH AT INDORE

M.Cr.C. No.258.21*(Mukesh S/o Purilal vs. State of MP)***Indore, dated : 19.01.2021**

Shri Ravindra Singh Parmar, learned counsel for the applicant is present in person through Video Conferencing.

Shri Rajwardhan Gwade, learned Public Prosecutor for the non-applicant – State is present in person through Video Conferencing.

This is **Second** application filed under Section 438 of Cr. P.C. for grant of anticipatory bail. Applicant – **Mukesh S/o Purilal** is apprehending his arrest in connection with Crime No.36/2012 registered at Police Station Khujner, District Rajgarh for the offence punishable under Sections 363, 366 of IPC further added under Section 376 of IPC and Section 5/6 of the Protection of Children from Sexual Offences Act, 2012.

Learned counsel for the applicant has pointed out that on 17.11.2020 anticipatory bail had been granted when the case was registered only under Sections 363 and 366 of IPC. It was only subsequent that the offence under Section 376 of IPC and Section 5/6 of the Protection of Children from Sexual Offences Act, 2012 have been added and applicant fears of his arrest. Learned counsel further submits that there is no change in circumstances, which would be apparent from perusal of the order dated 27.11.2020.

The same order was perused, which is on record as Annexure A/2, in which it has been mentioned that applicant and prosecutrix had gone to Gujrat and got married. In the aforesaid

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order learned counsel for the prosecution had raised an objection that prosecutrix was below 18 years of age. The same submissions had been considered and anticipatory bail had been granted after considering the same. There apparently no change in circumstances apart from the fact that in the offence provisions of IPC and the Protection of Children from Sexual Offences Act, 2012 have been enhanced.

Learned Panel Lawyer for the respondent/State was heard.

Considered.

In view of the submissions, mainly made by the learned counsel for the applicant, without commenting upon the merits of the case, this application for grant of anticipatory bail is allowed. It is directed that in the event of arrest, the applicant – **Mukesh S/o Purilal** shall not be arrested by the Arresting Officer, subject to his furnishing a personal bond in the sum of **Rs.50,000/- (Rupees Fifty thousand only)** with one solvent surety of like amount to the satisfaction of the Arresting Officer, subject to abiding the conditions enumerated under Section 438 (2) of the Cr.P.C. and he shall give due assistance to the Investigating Officer in the matter. The applicant shall appear before the Investigating Officer on **22.01.2021** and on all other subsequent dates, as may be fixed by the Investigating Officer from time to time.

M.Cr.C. No.258/2021 is allowed and stands disposed of.

Certified copy as per rules.

(Shailendra Shukla)
Judge