

THE HIGH COURT OF MADHYA PRADESH, BENCH AT INDORE**M.Cr.C. No.304/2021*****(Kanha S/o Kaluji vs. State of MP)*****Indore, dated : 19.01.2021**

Shri Harish Tripathi, learned counsel for the applicant is present in person through Video Conferencing.

Ms. Bharti Lakkad, learned Public Prosecutor for the non-applicant – State is present in person through Video Conferencing.

Submissions were made on application filed under Section 439 of Cr.P.C. in respect of Crime No.328/2020 registered at Police Station Deendayal Nagar, Ratlam for allegedly committing offence under Sections 366, 376(2)(N) of IPC and Section 5(L)/6 of the Protection of Children from Sexual Offences Act. This is the second bail application filed under Section 439 of Cr.P.C. First application (M.Cr.C. No.31886/2020) was dismissed as withdrawn vide order dated 04.09.2020.

Learned counsel for the applicant submits that the prosecutrix has completely turned hostile before the Court and he has filed Court deposition of the prosecutrix, which is placed on record.

The same was perused.

Prosecutrix has levelled no allegations against the applicant. Even after being declared hostile, she does not support the prosecution story.

Learned Panel Lawyer for the respondent/State was heard.

Considered.

THE HIGH COURT OF MADHYA PRADESH, BENCH AT INDORE

M.Cr.C. No.304/2021***(Kanha S/o Kaluji vs. State of MP)***

After due consideration, without commenting on merits of the case, this regular bail application is being allowed and it is directed that applicant – **Kanha S/o Kaluji** 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** 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.304/2021 is allowed and stands disposed of
Certified copy as per rules.

(Shailendra Shukla)
Judge

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