

Akash S/o Dayalsingh Sisodiya vs. State of M.P.

Indore : 01/03/2021 :-

Shri Gourav Laad, learned counsel for the applicant.

Ms. Bharti Lakkad, learned Panel Lawyer for the non-applicant/State.

Heard and case-diary perused.

ORDER

This is the second bail application under Section 439 of Cr.P.C. for grant of bail in connection with Crime No.589/2019 under Section 366, 376(2), 506 of IPC and Section 5L/6 of Protection of Children from Sexual Offences Act (POCSO), 2012 registered at Police Station – Narsingharh, District-Rajgarh and is in custody since 05/12/2019. First bail application was dismissed as withdrawn by this Court with liberty to the applicant to renew his prayer after recording the Court statement of the prosecutrix/victim vide order dated 31/07/2020 passed in M.Cr.C. No.22053/2020.

2. Learned counsel for the applicant has submitted that now the prosecutrix has been examined in Court on 11/01/2021, who has turned hostile and has not supported the prosecution story/version. Deposition-sheet is placed on record. It is seen that after being declared hostile, the prosecutrix has supported the prosecution story. When examined by prosecutor. The learned counsel submits that pursuant to examination by Public Prosecutor, she has been again cross-examined by the applicant and she has again rebutted statements made in examination-in-chief, whereby she resiles to have recorded statements as per Ex.P/13. She admits that she was pressurized by the police to depose before the Court in the manner in which she has deposed earlier. Thus, learned counsel has pointed out that evidence of prosecutrix does not inspire enough confidence in the prosecution story. Learned counsel has referred to the statement of

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two other prosecution witnesses namely; Janibai (PW/2) and Dinesh (PW/1), both are grant-mother and father of the prosecutrix and they have also turned hostile. He prays for grant of bail.

3. Learned Panel Lawyer for the State was heard.

4. Considered.

5. In view of the facts and circumstances of the case and mainly the submissions made by the learned counsel for the applicant, a case is made out for grant of bail, therefore, without commenting on the merits of the case, the application filed by the 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 the trial Court for his regular appearance before the trial Court during trial 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) Cr.P.C. It is made clear that in case of bail jump this order shall become ineffective.

C.C. as per rules.

(Shailendra Shukla)
Judge

Aiyer*