

**IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE
BEFORE**

HON'BLE SHRI JUSTICE ANIL VERMA

ON THE 5th OF AUGUST, 2022

MISC. CRIMINAL CASE No. 37584 of 2022

Between:-

**KAMAL S/O MANSHARAM, AGED ABOUT
20 YEARS, OCCUPATION: LABOUR
VILALGE KAMATH, TEHSIL BAGLI,
DISTRICT DEWAS (MADHYA PRADESH)**

.....PETITIONER

(MANISH YADAV, LEARNED COUNSEL FOR THE PETITIONER)

AND

- 1. THE STATE OF MADHYA PRADESH
STATION HOUSE OFFICER THROUGH
POLICE STATION BAGLI, DISTRICT
DEWAS (MADHYA PRADESH)**
- 2. VICTIM X THROUGH P.S. BAGLI,
DISTRICT DEWAS (MADHYA PRADESH)**

.....RESPONDENTS

**(PROXY COUNSEL SHRI PRANAY JOSHI PL APPEARING ON
BEHALF OF ADVOCATE GENERAL)**

*This application coming on for hearing this day, the court
passed the following:*

O R D E R

Learned PL informed that prosecutrix has been served.

Applicant has filed this first bail application under Section 439 of the Code of Criminal Procedure, 1973. He is in Jail since 4.9.2021 in connection with Crime No.239/2021 registered at P.S. - Bagli District Dewas (M.P.) for commission of offence punishable under Section 363, 366, 376(2)(N) of IPC and 5-L/6 POCSO Act.

As per the prosecution story, on 25.4.2021 present applicant took minor prosecutrix with him on the pretext that her sister is not feeling well but the applicant took the prosecutrix to some other place and committed rape upon her. Accordingly a case has been registered against the applicant.

Learned counsel for the applicant submits that applicant is innocent and he has been falsely implicated in this matter. Applicant is in jail since 4.9.2021. Investigation is over and statement of prosecutrix has been recorded before the trial court. She has been turned hostile and not supported the prosecution case, but final conclusion of trial will take considerable long time. Hence, he prays that applicant be released on bail.

Per-contra, learned PL for respondent/State opposes the bail application and prays for its rejection.

Perused the case diary as well as the impugned order of the court below.

Considering all the facts and circumstances of the case, arguments advanced by counsel for the parties, nature and gravity

of allegation as also taking note of the fact that prosecutrix (PW-1) has been examined before the trial court and she has turned hostile and she categorically stated in her statement that present applicant neither abducted her nor committed any rape upon her and final conclusion of trial will take considerable long time, I deem it proper to release the applicant on bail.

Accordingly, without commenting on the merits of the case, the application is allowed. It is directed that the applicant be released on bail upon his furnishing a personal bond in the sum of **Rs.75,000/- (Rs. Seventy Five Thousand only)** with one solvent surety in the like amount to the satisfaction of the trial Court for his appearance before the trial Court, as and when required. He shall abide by the conditions enumerated u/S. 437(3) Cr.P.C.

Certified copy as per rules.

(ANIL VERMA)
J U D G E

BDJ