

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

**HON'BLE SHRI JUSTICE ANIL VERMA**

**ON THE 5<sup>th</sup> OF AUGUST, 2022**

**MISC. CRIMINAL CASE No. 37999 of 2022**

**Between:-**

**MAKLESH S/O SHRI REDILAL VERMA,  
AGED ABOUT 22 YEARS,  
OCCUPATION: MAJDOORI PARONIYA  
THANA DEHAT BIORA (MADHYA  
PRADESH)**

**.....PETITIONER**

**(SHUBHAM ARYA, LEARNED COUNSEL FOR THE PETITIONER )**

**AND**

- 1. THE STATE OF MADHYA PRADESH  
STATION HOUSE OFFICER THROUGH  
POLICE STATION KARANWAS  
(MADHYA PRADESH)  
VICTIM X THROUGH POLICE**
- 2. STATION KARANWAS DISTRICT  
RAJGARH (MADHYA PRADESH)**

**.....RESPONDENTS**

**(PROXY COUNSEL SEEMA MAHESHWARI PL APPEARING ON  
BEHALF OF ADVOCATE GENERAL.  
RAHUL RATHORE, LEARNED COUNSEL FOR THE RESPONDENT  
[R-2])**

*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 11.4.2022 in connection with Crime No. 73/2022 registered at P.S. - Karanwas District Rajgadh (M.P.) for commission of offence punishable under Section 363, 376, 376(2)(n) 344 of IPC and 5-J/6 POCSO Act.

As per the prosecution story, complainant lodged a missing person report at police station Karanwas on 9.2.2022 that his minor daughter/prosecutrix is missing from home. The family members tried to search her everywhere but she could not find. During investigation prosecutrix was recovered from the possession of applicant and she told that applicant abducted her and committed rape upon her several times. 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 11.4.2022. Investigation is over and statement of prosecutrix and her father have been recorded before the trial court. All material witnesses have 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.

Learned counsel for objector submits that objector has no objection if bail is granted to applicant.

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-3) has been examined before the trial court and she has turned hostile and she categorically stated in her statement that applicant neither abducted her nor committed any rape upon her, her father PW-1 also deposed in the same manner 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*