

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

BEFORE

HON'BLE SHRI JUSTICE SUBODH ABHYANKAR

ON THE 5th OF JULY, 2024

MISC. CRIMINAL CASE No. 24672 of 2024

(SACHIN @ MONTY

Vs

THE STATE OF MADHYA PRADESH AND OTHERS)

Appearance:

*(SHRI VIRENDRA SHARMA- ADVOCATE FOR THE APPLICANT THROUGH
V.C.)*

(SHRI SACHIN JAISWAL- P.L./G.A. FOR THE STATE)

ORDER

1] They are heard and perused the case diary.

2] This is the applicant's first bail application under Section 439 of Cr.P.C. as he is implicated in connection with Crime No.226/2022 registered at Police Station Mahakal, District- Ujjain (MP) for offence punishable under Sections 344, 366, 376 and 376(2)(n) of the IPC and Section 5(i)(j)(ii)/6 of the POCSO Act. The applicant is in custody since 21.05.2024.

3] The allegation against the applicant is of abduction and rape of the prosecutrix aged 17 years and 11 months.

4] Counsel for the applicant has submitted that the age of the prosecutrix is disputed and she was also a consenting party, as she had resided with the applicant for a period of around two years and she has also got married to him and as a result of this wedlock, they also have a son. It is further submitted that subsequently, when the prosecutrix was recovered, she has given a false statement against the applicant under the pressure of her parents.

5] Counsel has also drawn the attention of this Court to the photographs of the prosecutrix and the applicant with their son along with applicant's family

members. It is also submitted that the applicant is lodged in jail since 21.05.2024 and the final conclusion of the trial is likely to take sufficient long time. Thus, it is prayed that the application be allowed.

6] Counsel for the respondent/State, on the other hand, has opposed the prayer and it is submitted that the prosecutrix was minor, hence, no case for grant of bail is made out.

7] Having considered the rival submissions and on perusal of the case diary as also the documents filed by the applicant on record and further taking note of the fact that the final conclusion of the trial is likely to take sufficiently long time, this Court is inclined to allow the present application. Accordingly, without commenting on the merits of the case, the application filed by the applicant is hereby **allowed**.

8] The applicant is directed to be released on bail upon furnishing a personal bond in the sum of **Rs.25,000/- (rupees twenty five thousand)** with one solvent surety of the like amount to the satisfaction of the trial Court for his/her regular appearance before the trial Court during trial with a condition that he / she shall remain present before the court concerned during trial and shall also abide by the conditions enumerated under Section 437 (3) Criminal Procedure Code, 1973.

9] The Misc. Criminal Case stands allowed.

(SUBODH ABHYANKAR)
JUDGE