

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

BEFORE

HON'BLE SHRI JUSTICE PREM NARAYAN SINGH

ON THE 5th OF JULY, 2024

MISC. CRIMINAL CASE No. 26915 of 2024

(GANESH

Vs

THE STATE OF M.P. THROUGH P.S. KASRAWAD DISTRICT KHARGONE)

Appearance:

(BY SHRI MOHAMMED IMRAN KHAN, ADVOCATE)

(BY MS. URMILA MALVIYA, PANEL LAWYER)

ORDER

Heard and perused the record.

This is first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of bail during trial relating to Crime No.147/2024 dated (not mentioned), registered at Police Station-Kasrawad District-Khargone for the offence under Sections 363, 366, 376(2)(n) & 344 of IPC, 1860 and under Section 5(L)/6 of Protection of Children from Sexual Offences Act, 2012. The applicant is in custody since 24.05.2024.

2. As per the prosecution story, the allegation against the applicant is of commission of rape upon the prosecutrix.

3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the present crime. As per the statement of the prosecutrix recorded under Section 164 of Cr.P.C, the relationship between the prosecutrix and the applicant seems to be consensual in nature and the prosecutrix and the applicant have resided with each other for more than two months. It is also submitted that the age of the prosecutrix is 16 years and 5 months. The applicant is in custody since 24.05.2024. Conclusion of trial will take sufficient long time. Under these circumstances, counsel prays for grant of

bail to the applicant.

4. Learned counsel for the State has opposed the application and prayed for its rejection.

5. I have heard the learned counsel for the parties and perused the record.

6 . Looking to the facts and circumstances of the case, the rival submissions of the counsel for the parties, custody period of the applicant and statement of the prosecutrix recorded under Section 164 of Cr.P.C., without commenting on the merits of the case, this first application is **allowed**.

7. It is directed that the applicant be released on bail on his/her furnishing a personal bond in the sum of **Rs.50,000/- (Rupees Fifty Thousand Only)** with one solvent surety to the satisfaction of the trial court for securing his/her presence before the said Court on all the dates of hearing fixed in this regard during trial. It is also directed that the applicant shall comply with the provisions of Section 437(3) Cr.P.C.

8. This order shall remain effective till the end of the trial, but in case of bail jump and breach of any of the pre-condition of bail, it shall become ineffective and cancelled without reference to this Bench.

Certified Copy as per rules.

(PREM NARAYAN SINGH)
JUDGE