



IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE

BEFORE

HON'BLE SHRI JUSTICE SANJEEV S KALGAONKAR

ON THE 2nd OF DECEMBER, 2024

MISC. CRIMINAL CASE No. 50930 of 2024

VIKRAM

Versus

THE STATE OF MADHYA PRADESH

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Appearance:

Shri Shubham Kusumkar, learned counsel for the applicant.

Shri Viraj Godha Govt. Advocate for the respondent/State.

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ORDER

This *first* application has been filed by applicant under Section 483 of BNSS, 2023 for grant of bail in connection with Crime No.287/24 registered at Police Station Nahargarh, District Mandsaur(M.P.) for offence punishable under Section (s) 137(2), 64 87, 351(3) of BNS, 2023 and under Section 3/4 of POCSO Act. The applicant is in judicial custody since 21.08.2024.

As per the case of prosecution, applicant - Vikram has enticed and taken the victim aged around 17 years and 5 months with him and committed sexual assault on her. On such allegations PS Nahargarh, District Mandsaur(M.P.) registered FIR at crime No.287/24 for offence punishable under Section 137(2), 64 87, 351(3) of BNS, 2023 and under Section 3/4 of POCSO Act. Applicant was arrested on 21.08.2024. He is in custody ever since. On completion of investigation, final report was submitted. The trial is underway.



Learned Counsel for the applicant, in addition to the grounds mentioned in the application, submits that the applicant has been falsely implicated in the matter under the pressure of family members of the victim. No offence as alleged is committed by applicant. The victim has informed that she is major. The determination of age during investigation is doubtful. Victim(PW1) in her evidence has made no allegation against the applicant. Further, she has stated that her age is 19 years. Learned counsel further submits that applicant is aged around 21 years. He is a labourer. There is no likelihood of his absconsion leaving his family, home and profession. No criminal antecedents is reported against the applicant. There is no likelihood of tampering with the remaining evidence by the applicant. The trial would take time to complete. Therefore, applicant may be extended the benefit of bail.

Per contra, learned Counsel for the State opposes the bail application on the ground of gravity of alleged offence.

Heard learned counsel for both the parties and perused the case diary.

Considering the arguments advanced by both the parties and overall circumstances of the case, this Court is inclined to release the applicant on bail. Thus, the application is allowed.

Accordingly, it is directed that **applicant-Vikram S/o Satyanarayan Dangi** shall be released on bail in connection with Crime as stated in para-1 of this order, upon furnishing personal bond and surety bond of amount, as may be considered appropriate by the Trial Court/the Committal Court for compliance with conditions, as may be imposed by such Court



to secure presence of the applicant for the trial under Section 437(3) of Cr.P.C., 1973/Section 480(3) of BNSS, 2023.

This order shall be effective till the end of trial. However, in case of breach of any of the preconditions of bail, the concerned Court may consider, on merit, cancellation of bail without any impediment of this order.

The concerned trial court shall get the conditions reproduced on the personal bond by the accused and on surety bond by the surety concerned. If any of the them is unable to write, the scribe shall certify that he had explained the conditions to the concerned accused or the surety.

C.C. as per rules

(SANJEEV S KALGAONKAR)
JUDGE