

## **MCRC-13109-2015**

*(SANTOSH Vs THE STATE OF MADHYA PRADESH)*

**27-08-2015**

Shri Naresh Kumar Sharma, Advocate for the applicant.

Shri GS Thakur, Panel Lawyer for the respondent-State.

Heard the learned counsel for the parties.

The applicant is in custody since 29.06.2015 relating to Crime No.115/2015 registered at Police Station Tamiya, Chhindwara for the offences punishable under Sections 341, 376 of IPC, Section 3(2)(v) of SC/ST (Prevention of Atrocities) Act and Sections 3/4 of POCSO Act.

Learned counsel for the applicant submits that the applicant is a youth of 23 years of age, who has no criminal past alleged against him. The prosecutrix is shown to be 17 years of age, but no cogent evidence is available for computation of her age positively. Looking to her physical appearance, she appears to be above 18 years of age. The FIR has been lodged with a delay of at least 6-7 hours. No external or internal injury was found on her person. It would be apparent that the applicant is falsely implicated in the matter. No alleged offence is made out against the applicant. He is in custody without any substantial reason. Under these circumstances, the applicant prays for bail.

Learned counsel for the State opposes the application.

Considering the submissions made by learned counsel for the parties, looking to the facts and circumstances of the case including the gravity of offence, without expressing any view on the merits of the case, I am of the view that application under

Section 439 of Cr.P.C. filed by the applicant viz. **Santosh** may be accepted. Consequently it is hereby allowed.

It is directed that present applicant be released on bail on his furnishing a bond in sum of **Rs.35,000/- (Rupees thirty five thousand)** with one surety bond of the same amount to the satisfaction of the trial Court, to appear before the trial Court on the dates given by the concerned Court.

This order shall be effective till the end of trial but in case of bail jump, it shall become ineffective.

Certified copy as per rules.

**(N.K. GUPTA)**  
**JUDGE**