

**The High Court Of Madhya Pradesh**

**MCRC-43989-2018**

*(VINAY YADAV Vs. THE STATE OF MADHYA PRADESH)*

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**Jabalpur, dated: 15.11.2018**

Shri Priyank Khandelwal, learned counsel for the applicant.

Shri G.P. Singh, learned Government Advocate for the respondent/State.

Prosecutrix along with her father Shri Imratlal Yadav is present in person. They are duly identified by the counsel for the applicant. Their presence be marked.

Case diary is available.

Heard on this first application for bail under section 439 of the Code of Criminal Procedure filed on behalf of applicant in connection with Crime No.89/2018 registered by Police Station Dolariya, District Hoshangabad under Section 363, 366 and 376 (2) (n) of the Indian Penal Code and Section 4 of the Protection of Children From Sexual Offences Act, 2012.

The case of the prosecution is that, on 10.06.2018 the prosecutrix, aged about 17 years 8 months had been disappeared from her house, situated at Village Taalnagri under the jurisdiction of Police Station Dolariya, District Hoshangabad. The report of the incident was lodged by father of the prosecutrix Imratlal Yadav on 12.06.2018. On that basis offence under Section 363 of IPC has been registered under Crime No.89/2018. During the course of investigation, the prosecutrix was recovered on 08.09.2018. She was examined. She narrated that she was in love with the applicant. She does not want to go with the applicant but the applicant along with his friend Rahul has taken her from her house forcefully and during the period when she was with applicant, the applicant committed intercourse with her forcefully. Later on, Sections 366 and 376 (2) (n) of the Indian Penal Code and Section 4 of the Protection

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of Children From Sexual Offences Act, 2012 have been added in the crime.

Learned counsel for the applicant submitted that the applicant has not committed any offence and has falsely been implicated in the crime. It is further submitted that the prosecutrix herself went with the applicant; therefore, no offence of abduction is made out against him. The prosecutrix in her statements stated that she wants to marry with the applicant. It is also submitted that the applicant is a permanent resident of the address described in the application. He is ready to furnish adequate surety and shall abide by all terms and conditions imposed upon him. There is no chance of his absconding or tampering with the evidence. It is also submitted that the applicant is a young youth of 21 years and has been in custody since 09.09.2018. In view of the aforesaid, prayer has been made to enlarge the applicant on bail.

Learned Government Advocate for the respondent/State on the other hand has opposed the bail application.

Prosecutrix along with her father Imratlal Yadav are present before this Court and have submitted that she wants to marry with the applicant and she has no objection if the applicant may be released on bail. Her father has also supported her version. Learned counsel for the applicant has identified the prosecutrix and her father Imratlal Yadav.

Keeping in view the facts and circumstances of the case in their entirety, particularly the fact as pointed out by the learned counsel for the applicant and looking to the contention of prosecutrix and her father, in the opinion of this Court, the applicant deserves to be released on bail.

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Consequently, this first application for bail under Section 439 of the Code of Criminal Procedure filed on behalf of applicant-**Vinay Yadav**, stands allowed.

It is directed that the applicant shall be released on bail on furnishing a personal bond in the sum of **Rs.30,000/-** with one solvent surety in the like amount to the satisfaction of the trial Court for his appearance before that Court on all dates fixed in the case and for complying with the conditions enumerated under Section 437 (3) of the Code of Criminal Procedure.

Certified copy as per rules.

**(Mohd. Fahim Anwar)**  
**Judge**

*taj.*