

1
**IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR**

**BEFORE
HON'BLE SHRI JUSTICE PRAMOD KUMAR AGRAWAL**

ON THE 20th OF MAY, 2024

MISC. CRIMINAL CASE No. 17306 of 2024

BETWEEN:-

**DURJAN LODHI S/O MANPYARE LODHI, AGED ABOUT
24 YEARS, OCCUPATION: LABOUR R/O VILLAGE
VANPURA BUJURG P.S. KUDILA DISTRICT TIKAMGARH
(MADHYA PRADESH)**

.....APPLICANT

(BY SHRI SHARAD VERMA - ADVOCATE)

AND

- 1. THE STATE OF MADHYA PRADESH THROUGH
POLICE STATION KUDILA DISTRICT TIKAMGARH
(MADHYA PRADESH)**
- 2. VICTIM A D/O NOT KNOWN THROUGH POLICE
STATION KUDILA (MADHYA PRADESH)**

.....RESPONDENTS

(BY SHRI NAMAN MISHRA - PANEL LAWYER)

.....
*This application coming on for admission this day, the court passed the
following:*

ORDER

This is first application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail relating to Crime No.138/2023 registered at Police Station-Kudila, District-Tikamgarh, for commission of offence punishable under Sections 363, 366, 376(2)(N) of IPC and Section 5(1)/6 of the Protection of Children from Sexual Offences Act, 2012.

- 2. As per the prosecution story, on 01.06.2023, the mother of the minor**

prosecutrix lodged a report in the P.S. Kudila that her daughter aged about 16 years and 11 months is missing from her house since 30.05.2023. On the basis of information police registered the report and during investigation, prosecutrix was recovered and after recording the statements of the prosecutrix under Section 164 of CPC, the applicant was arrested and remanded in judicial custody

3. It is submitted by learned counsel for the applicant that prosecutrix herself went with the applicant. In the statements recorded under Sections 161 and 164 of Cr.P.C. she has stated that she went with the applicant with her own consent. It is further stated that in the statement recorded under Section 164 of Cr.P.C., she stated nothing regarding sexual intercourse by the applicant upon her. It is further submitted that even the parents of the prosecutrix has stated before the police that her daughter told them that she went with the applicant with her own consent, therefore, no case is made out against the applicant. The charge-sheet has been filed. The applicant is in jail since 05.02.2024. Therefore, it is prayed that applicant may be released on bail.

4. On the other hand, learned counsel for the State has opposed the grant of bail.

5. Therefore, having taken into consideration all the facts and circumstances of the case, but without expressing any opinion on the merits of the case, I am inclined to release the applicant on bail. Consequently, bail application under Section 439 of the Code of Criminal Procedure for grant of bail filed on behalf of applicant, stands **allowed**.

6. It is directed that applicant be released on bail on his furnishing a personal bond in the sum of **Rs.50,000/- (Rupees Fifty thousand only)** with one solvent surety in the like amount to the satisfaction of the trial Court, for his

regular appearance before the trial Court during trial with a condition that he shall remain present before the concerned Court on all the dates fixed by it during trial. He shall abide by all the conditions enumerated under Section 437(3) of Cr.P.C.

7. This order shall be effective till the end of the trial. However, in case of bail jump and breach of any of the conditions of bail, it shall become ineffective.

Certified copy as per rules.

K.S.



(PRAMOD KUMAR AGRAWAL)
JUDGE