

M.Cr.C. No.5842/2011**Date: 31.10.2011**

Shri Vivek Singh, learned counsel for the applicant.

Shri Manish Joshi, learned Panel Lawyer for the non-applicant/State.

This is a first bail application made by the applicant under Section 439 of the Cr.P.C. for grant of bail.

The applicant is in jail since 18.2.2011 in connection with Crime No.55/2011 registered at Police Station Nagda under Section 363, 366, 376 of the Indian Penal Code.

Learned counsel for the applicant submitted that he has falsely implicated. He has further submitted that the prosecutrix is of consenting age, therefore, he prays for grant of bail.

Learned counsel for the State has opposed the bail application.

On perusal of the case diary, it reveals that a missing report of prosecutrix Hemlata alias Sonu was lodged on 17.2.2011. She was went somewhere else without informing her parents. Ultimately she was recovered on 18.2.2011. No injury was found on her private part. On ossification test, her age was found between 15 to 16 years. On perusal of her

statement recorded under Section 161 of the Cr.P.C. as well as ossification test report, it is a marginal case regarding age of consent.

After hearing the learned counsel for the parties and on consideration of the facts and circumstances of the case but without commenting on merits, at this stage, I found that it is a fit case for grant bail. The bail application is accordingly allowed.

The applicant is directed to be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- (Rs. Twenty Five Thousand) with one surety in the like amount to the satisfaction of the Trial Court for his appearance before the said Court as and when directed.

C.C. as per rules.

(G.S. Solanki)
Judge

Trilok/-