

**M.Cr.C. No.5990/2011****Date: 31.10.2011**

Shri Ikram Ansari, learned counsel for the applicants.

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

Learned counsel for the applicants submitted that since applicant no.1 Rupesh has already been arrested, therefore, he did not press his application.

Heard.

This is an application filed by the applicant under Section 438 Cr.P.C. for grant of anticipatory bail of applicant no.2 Dilip.

The applicant is apprehending his arrest in connection with Crime No.95/2011 registered at Police Station Nalchha, District Dhar for commission of offence under Section 366, 294, 323, 506 of the Indian Penal Code.

Learned counsel for the applicant submitted that he has been falsely implicated. He has further submitted that the prosecutrix is wife of applicant no.1 Rupesh. Due to family dispute mother of prosecutrix has falsely implicated him. He has further submitted that the prosecutrix herself filed an affidavit but she is married wife of applicant no.1 Rupesh. He

further submitted that in the circumstances there is no prima facie case for abduction, therefore, he prays for grant of bail.

Learned counsel for the State has opposed the bail application.

I have perused the case diary and specially the affidavit of prosecutrix in which she herself deposed that she is married with applicant no.1.

Considering facts and circumstances of the case as well as applicant no.2 Dilip is the father of applicant no.1 Rupesh without commenting on merits, at this stage, I find that it is a fit case for grant of bail. The petition is accordingly allowed.

It is directed that in the event of the applicant's arrest, the applicant be released on bail on furnishing a bail bond of Rs.20,000/- (Rupees Twenty Thousand) with one surety of the like amount to the satisfaction of Station House Officer of the Police Station concerned. He would abide by the conditions mentioned in Section 438(2) of the Cr.P.C.

C.C. today.

**(G.S. Solanki)**  
**Judge**

Trilok/-