

M.Cr.C. No.1390/2013**28.2.2013**

Shri Sumit Samvatsar, learned counsel for the applicant.

Ms. Mamta Shandilya, learned counsel for the respondent/State.

Heard on the question of grant of bail.

This is an application made by the applicant (accused) under Section 439 Cr.P.C. for grant of bail during trial.

Notice of this application was served on the State counsel. Case diary as per the direction of this Court has been produced and it has been perused.

The applicant is facing trial for offences punishable under Section 363 & 366 of the IPC and Section 3(2)(5) of the Scheduled Caste & Scheduled Tribe (Prevention of Atrocities) Act, 1989 registered with Police Station Harijan Kalyan, Mandsaur, in Crime no.7/2013.

Learned counsel appearing for the applicant submits that the only allegation against the present applicant is that he had accompanied prosecutrix Muskan from Mandsaur to Shirdi and from Shirdi to Indore, when the prosecutrix was taken by the main accused Sachin. He has further submitted that the prosecutrix is aged about 17 years and the application, which was submitted by the prosecutrix before the Judicial Magistrate First Class, discloses that she does not want to live with her parents and accordingly she was sent to "Apna Ghar". He has submitted that in the similar circumstances Smt. Anjali Mod, wife of the present applicant, has been granted bail by this Court by order dated 25.2.2013 passed in **M.Cr.C. No.1286/2013**. Therefore, he has prayed for bail of the present applicant on the ground of parity by submitting that the applicant is in custody since 10.2.2013, the investigation is complete and Challan has already been filed.

In reply, learned counsel for the State has opposed the application for grant of bail but nothing has been pointed out to show

that the case of the present applicant is different from co-accused Anjali Mod, who has been granted bail by this Court.

On perusal of the case diary and considering the circumstances of the case, I find prima facie force in the submissions made by the counsel for applicant. Hence I am of the considered view that the application for grant of bail deserves to be allowed and 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 as and when directed.

The applicant will attend each hearing of his trial before the Trial Court out of which this bail arises. Any default in attendance in Court would result in cancellation of the bail granted by this Court.

Certified copy as per rules.

(Prakash Shrivastava)
J U D G E

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