

**M.Cr.C.No.4998/2013****28.06.2013**

Shri Harish Tripathi, learned Counsel for the applicant.

Shri Manish Joshi, learned panel lawyer for the respondent State.

By this application filed under Section 439 of the Cr.P.C. applicant Ram @ Shiv Ram has moved the application for grant of bail being implicated in Crime No.70/2013 registered by police station Sailana, Ratlam for offence under Sections 363, 366-A, 376(2(H)(I), 368 of the IPC and u/S.3/4 Protection of Children sexual Offences Act & u/S.3(1)(xi), 3(1)(xii), 3(2)(5) of the SC/ST Act.

Counsel for the applicant has vehemently urged the fact that it is a case of consensual sex and the prosecutrix was more than 17 years of age and she has gone with the applicant to several open places and never protested; now, she has turned around and made allegations of rape and kidnapping. Counsel submitted that the applicant has full chance of success in the trial and he prayed for grant of bail since the applicant is a young boy, aged 24 years and has been arrested on 14.03.2013.

Counsel for the respondent/State, on the other hand, has opposed the submissions of the Counsel for the applicant and has submitted that the applicant was fully implicated in the matter. He however candidly admitted that the prosecutrix was only 17 year of age and Counsel prayed for dismissal of the application.

On considering the above submissions, the impugned order and material available in the case diary and looking to the nature of allegations and fact that the applicant is in jail since 14.03.2013, I find that it is a fit case for grant of bail. The application is, therefore, allowed.

It is ordered that the applicant be released on bail on his furnishing a personal bond for a sum of **Rs.25,000/-** (Rupees Twenty Five Thousand only) with one surety of like amount to the satisfaction of the Trial Court for his appearance before the concerned Trial Court on all dates of hearing as may be fixed by the Trial Court in this behalf during the pendency of trial.

It is also directed that the applicant shall abide by all the conditions enumerated under Section 437(3) of the Cr.P.C.

Cc. as per rules.

**(Mrs. S.R. Waghmare)**  
**Judge**