

**MCRC No.8647/2013****31.10.2013**

Shri Kshitiz Vyas, learned counsel for the applicant.

Shri Manish Joshi, 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 offence punishable under Section 363, 366, 376(d), 376(2)(h), 120B of the IPC and under Section 3/4 of the Protection of Children from Sexual Offences Act, 2012 registered with Police Station Suthaliya, District – Rajgarh (Biaora), in Crime no.225/12.

Learned counsel appearing for the applicant submits that the prosecutrix had accompanied the applicant willingly on 3.10.2012 and had lived with the applicant for more than 7 months till she was recovered on 15.5.2013. He has further submitted that the prosecutrix had travelled with the applicant to as many as 7 places and had full opportunity to make a complaint against the applicant during this period. He has further submitted that in fact the prosecutrix had married to the applicant and that it is a clear case of consent. He has further submitted that in the ossification report, the age of the prosecutrix is shown to be less

than 18 years and there is conflict in respect of the date of birth of the prosecutrix shown in the mark-sheet as well as in the scholar register. He has further submitted that the applicant who is a young person of 22 years of age, is in custody since 16.5.2013, 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.

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.35,000/- (Rs. Thirty 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)**  
**Judge**