

M.Cr.C. No.2330/2014
28/03/2014

Shri R.S. Parmar, learned Counsel for the applicants.

Shri Suraj Sharma, learned Panel Lawyer for the respondent/State.

By this application filed under section 439 of the Cr.P.C., applicants Heerlal and Amarsingh have moved the application for grant of bail being implicated in crime No.158/2013 registered by police station Bhojpur, District Indore for offence under Sections 376 (D) & 506 of the IPC.

Counsel for the applicants has vehemently urged the fact that it was a case of false implication. More so the prosecutrix has turned hostile in Court and resiled from her earlier stand. Counsel submitted that the applicants have full chance of success in the revision and the revision is likely to take a long time. Hence, Counsel prayed for grant of bail since the applicants have been arrested on 5/2/2014.

Counsel for the respondent State, on the other hand, has opposed the submissions of the Counsel for the applicant. However, Counsel has candidly admitted that the husband and the prosecutrix have turned hostile in

Court. However, he prayed for dismissal of the application.

On considering the above submissions, material available in the case diary and looking to the nature of allegations, I find that the application for grant of bail needs to be allowed since the prosecution has crumbled and it is hereby allowed in the interest of justice.

Therefore, it is ordered that the applicants be released on bail on their furnishing a personal bond for a sum of **Rs.25,000/-** (Rupees twenty five thousand only) **each** with one surety each in the like amount to the satisfaction of the Trial Court for their 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 applicants shall abide by all the conditions enumerated under Section 437(3) of the Cr.P.C.

C.c. as per Rules.

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

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