

**M.Cr.C. No.10041/2014**

**29.12.2014**

Shri TC Jain, learned counsel for the applicant.

Shri RS Bais, learned Dy.GA for the non-applicant/State.

Case diary is available.

This is first bail application filed by the applicant under section 439 of the Code of Criminal Procedure for grant of bail.

The accused/applicant was arrested by the Police Station – Dharampuri District – Dhar in Crime No.198/2014 under sections 376 and 366 of IPC.

According to the prosecution story, when the prosecutrix was alone in her house, the present applicant dragged the prosecutrix to the field of Sugarcane and committed rape on her. As there was nobody in the house of the prosecutrix, the matter was reported on the next day at about 5:15 pm to the Police Station - Dharampuri.

Learned Dy. GA opposes the bail application.

Arguments heard, case diary perused.

Learned counsel for the applicant argues that age of the prosecutrix was 28 years and she was a married

woman with two children. There was no injury on her body in the medical examination and therefore, the applicant should be granted bail.

After going through the case diary and taking into consideration all the facts and circumstances of the case, without commenting on the merits of the case, I am of the view that it is a fit case for grant of bail. The application filed under section 439 of the Cr.P.C. is allowed.

It is directed that the applicant – Kundan @ Kundansingh Son of Karan Bhilala shall be released on bail on his furnishing a personal bond of **Rs.50,000/- (Rs. Fifty Thousand only)** and one solvent surety of the like amount to the satisfaction of the concerned Magistrate for his appearance on all the dates of hearing as may be directed in this regard during trial.

He is further directed that on being so released on bail, he would comply with the conditions enumerated under section 437(3) Cr.P.C. meticulously.

Certified copy as per rules.

**(Alok Verma)  
Vacation Judge**

*Kratika/*

