

M.Cr.C. No.12048/2014

28.08.2014

Shri P.S. Gaharwar, counsel for the applicant.

Shri Ajay Tamrakar, P.L. for the respondent/State.

Heard the learned counsel for the parties.

The applicant is in custody since 9.7.2014 relating to Crime No.259/14 registered at Police Station Chorhata, District Rewa for the offences punishable under Sections 363, 366, 376 of the IPC and Section 4 of the POCSO Act.

Learned counsel for the applicant submits that the applicant is a youth of 22 years of age, who has no criminal past alleged against him. Initially, the prosecutrix is shown to be 14 years of age but in her ossification test, she was found to be 15-16 years of age. According to the MLC report of the prosecutrix, her secondary sex characteristic were well developed and therefore, she could be above 18 years of age. According to the allegation, she remained with the applicant for a day without any resistance. No external or internal injury was found on her person. No alleged offence is made out against the applicant. He is unnecessarily kept in the custody. Under these circumstances, the applicant prays for bail.

Learned P.L. for the State opposes the application.

Considering the submissions made by learned counsel for the parties, looking to the facts and circumstances of the case including the gravity of offence, without expressing any view on the merits of the case, I am of the view that application under Section 439 of Cr.P.C. filed by the applicant may be accepted. Consequently, it is hereby allowed.

It is directed that the applicant namely **Satyabhan Saket** be released on bail on his furnishing a personal bond in the sum of **Rs.35,000/- (Rupees thirty five thousand)** with a surety bond of the same amount to the satisfaction of the concerned **CJM, Rewa** to appear before the committal Court and the trial Court on the dates given by the concerned Courts.

This order shall be effective till the end of trial but in case of bail jump, it shall become ineffective.

Certified copy as per rules.

(N.K.GUPTA)
JUDGE