

## **MCRC-8011-2015**

*(ANIL Vs THE STATE OF MADHYA PRADESH)*

**29-05-2015**

Shri Sushil Kumar Tiwari, learned counsel for the applicant.

Smt. G.S. Thakur, learned Panel Lawyer for the respondent-State.

Heard arguments.

Perused case diary and material on record.

This is first bail application filed by the applicant under Section 439 of the Cr.P.C. for grant of bail in connection with crime No. 58/15, registered at Police Station Jhallar, District Betul against him for the offences under Sections 354, 506 and 323 of the IPC and 8 of the Protection of Children from Sexual Offences Act, 2012.

Prosecution allegations are that on 13.04.2015 at about 7.00 p.m. in Village Pipla, the applicant lifted 14 years old victim girl and interfered with her.

Learned counsel for the applicant submits that the applicant is in custody since 14/04/2015 and the charge-sheet had been filed. It is also submitted by him that the victim girl herself lodged the written report of the incident on the date of incident itself and her case diary statement was recorded on 19.4.2015. If both are read in juxtaposition, it is crystal clear that the victim girl had exaggerated the incident in her case diary statement on being tutored. It is also submitted by him that Police had not got the statement of victim girl under recorded Section 164 of the Cr.P.C. It is also submitted by him that the applicant is a permanent resident of Village Pipla and does not have any criminal antecedents. Upon these submissions, a prayer is made for grant of bail to the applicant.

Learned Government Advocate opposes the prayer. However, he admits that as per the case diary, statement of the victim girl was not recorded under Section 164 of the Cr.P.C.

On due consideration of facts and circumstances of the case, the submission raised on behalf of the parties by their counsel and perusal of the written report and the statement of the victim girl under Section 161 of the Cr.P.C., but without expressing any opinion on merits of the case, I am of the view that it is a fit case for grant of bail. Hence, the application is allowed. It is ordered that applicant **Anil** be released on bail on his furnishing a personal bond in the sum of **Rs. 40,000/- (Rupees Forty Thousand Only)** with one solvent surety of the same amount to the satisfaction of the trial Court for his appearance on all such dates as may be fixed by it in this regard. He shall abide by the conditions enumerated in Section 437(3) of the Cr.P.C. In case of bail jump, the trial Court will have power to cancel the applicant's bail.

Certified copy as per rules.

**(RAJENDRA MAHAJAN)**  
**JUDGE**