

## **MCRC-9691-2015**

*(DHARMESH YADAV Vs THE STATE OF MADHYA PRADESH)*

**31-07-2015**

Shri M.R. Verma, Learned Counsel for the applicant.

Ms. Manjit Chuckal, learned Panel lawyer for the respondent/State.

This is the second application filed by the applicant under Section 439 of the Cr.P.C. for grant of bail. First application was dismissed as withdrawn vide order dated 22/04/2015.

The applicant is in custody since 28.11.2014 in connection with Crime No. 141/2014 registered at P.S. AJK, for the offences punishable under Sections 342, 376 (2) (Jha) of the IPC and Section 3/4 of the Protection of Children From Sexual Offences Act, 2012, and 3 (1) (12), 3(2) (5) of SC, ST Atrocities Act.

As per prosecution, it is alleged against the applicant that he committed rape on prosecutrix.

Learned counsel for the applicant has submitted that the applicant has been falsely implicated in this case. After dismissal of first application the statements of prosecutrix Premwati (PW-1), Dewki Bai mother of prosecutrix (PW-2) have already been recorded before the trial Court but they have not supported the prosecution case and turned hostile. The applicant is in custody and trial would take considerable time to conclude, therefore, he be released on bail.

Learned counsel for State has opposed the application.

On due consideration of the contentions raised by the

learned counsel for the parties and overall facts and circumstances of the case alongwith the statements of aforesaid prosecution witnesses, I am of the considered view that it is a fit case to release the applicant on bail, therefore, without expressing any view on the merits of the case, this application is allowed and it is directed that the applicant shall be released on bail on his furnishing a personal bond in a sum of **Rs.35,000/- (Rupees Thirty Five Thousand only)** with one surety in the like amount to the satisfaction of the committal Court/trial Court for securing his presence before the said Court on all the dates of hearing fixed in this regard during trial.

Certified copy as per rules.

**(G.S. SOLANKI)**  
**JUDGE**