

**Misc. Criminal Case No. 1713 of 2016**  
**29/02/2016**

Shri Anand Bhatt, learned counsel for the applicant.

Shri Rohit Mangal, Learned Govt. Advocate for the  
Non-applicant/State.

Heard with the aid of case- diary.

**O R D E R**

**This** is a repeat (**second**) bail application under Section 439 of the Code of Criminal Procedure. The applicant is in custody in connection with Crime No.164/2015, registered at Police Station Nagda, District Ujjain for the offence punishable under Sections 363, 366, 376 (1), 506 of the IPC and under Section 3 / 4 of the POCSO Act.

Learned counsel for the applicant submits that earlier application was dismissed as withdrawn with this liberty that the applicant shall renew the prayer after recording the evidence of prosecutrix. During trial prosecutrix and her father have been examined and their evidence have been filed with this application. It is further contended that at the time of incident prosecutrix is aged about 18 years as admitted by her father in his cross-examination. Learned counsel for the applicant submits that during incident prosecutrix and applicant have not sustained any injury. Prosecutrix's father has not supported the prosecution case and he stated that prosecutrix has not made any complaint to him that the applicant has committed rape upon her. The

whole story of the prosecution is suspicious. The applicant is detained since 29/04/2015; whereas trial will take considerable time to conclude. In such circumstances the applicant be enlarged on bail.

On the other hand, learned Govt. Advocate for non-applicant/State opposes the prayer and submits that prosecutrix supported the prosecution case. He, therefore, prays for dismissal of application.

I have considered the overall facts and circumstances of the case, age of the prosecutrix and applicant and the period of detention, I am of the view that applicant has made out a case for grant of bail. Thus, the application is allowed.

It is directed that the applicant be released on bail upon his furnishing personal bond in the sum of **Rs.25,000/-**-(Twenty Five Thousand Rupees) with one solvent surety each in the like amount to the satisfaction of the trial Court for his appearance as and when directed.

The applicant is directed that during currency of the bail he will not commit any offence and attend each hearing of his trial before the trial Court out of which this bail arises. Any default in attendance in Court would result in cancellation of the bail granted by this Court.

Certified copy as per rules.

skt

(Jarat Kumar Jain)  
Judge

