

**M.Cr.C. No.7180/2016**

**29.07.2016**

Shri Pankaj Ajmera, learned counsel for the applicant.

Shri S. Vyas, learned Panel Advocate for the respondent State.

Heard with the aid of case-diary.

**ORDER**

This is first bail application filed by applicant u/s. 439 of the Cr.P.C. The accused/applicant is in custody in connection with Crime No. 39/2016 registered at Police Station Balakwada, District Khargone for the offence u/s. 363, 366, 376 of the IPC and u/s. 3/4 of the Protection of Children from Sexual Offences Act.

2. Learned counsel for the applicant submits that the applicant is a young person aged about 19 years whereas the prosecutrix is aged about 17 years. It is submitted that the prosecutrix had voluntarily gone with the applicant and she remained in the company of applicant for a period of 1½ months and during that period she has not made any complaint to anyone nor she tried to escape from the company of applicant. As per MLC report, the prosecutrix has not sustained any injury on her person. Though the prosecution has produced the documents to demonstrate that the prosecutrix is 15 years of age, but these documents are

not reliable to prove the age of the prosecutrix. He has been falsely implicated in this case. He is detained since 23.2.2016 and trial will take considerable time to conclude. In such circumstances, the applicant be released on bail.

3. On the other hand, learned Panel Advocate vehemently opposes the prayer and submits that the prosecutrix is aged about 15 years. He, therefore, prays for dismissal of the application.

4. I have considered the overall facts and circumstances of the case and I am of the opinion that this is a fit 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)** with one local solvent surety in the like amount to the satisfaction of trial Court for his appearance as and when directed.

5. The applicant is also directed to attend each hearing of his trial before the trial Court out of which this bail arises. Any default in attendance in the Court would result in automatic cancellation of the bail granted by this Court.

M.Cr.C. stands disposed of.

C.C. as per Rules.

**( JARAT KUMAR JAIN )  
JUDGE.**

Alok/-