

## **MCRC-8445-2016**

*(JAYESH NAMDEO Vs THE STATE OF MADHYA PRADESH)*

**31-08-2016**

Shri Rahul Sharma, learned counsel for the applicant.

Shri Pankaj Waghwani, learned Govt. Advocate for the respondent/State.

Case diary is available. Arguments heard.

This is first application filed by applicant Jayesh Namdeo under Section 439 of the Code of Criminal Procedure for grant of bail.

Accused/applicant was arrested on 27.05.2016 by Police Stationâ Bhairavgarh, District Ujjain, in Crime No.-173/2016 for offences under Section 376, 363, 366 of IPC 3/4 Protection of Children from Sexual Offence 2012.

According to the prosecution story, the prosecutrix, was 16 years and 4 months of age at the time of incident and she went with the applicant with her consent and remained with him above twenty days during which they had physical relationship with each other.

Learned counsel for the applicant submits that the prosecutrix had gone with her consent with the applicant after informing her mother and younger brother. She was recovered after 20 days. She has also stated in her statement recorded under Section 164 Cr.P.C that for first fifteen days no physical relationship took place between them and thereafter, only once present applicant had physical relationship with the prosecutrix.

Learned counsel for the State, opposes the bail application.

Taking into consideration all the facts and circumstances of the case that emerge from the case diary, without commenting on the merits of the case, the application filed under Section 439 of the

Cr.P.C. is allowed. It is directed that, applicant shall be released on bail on his furnishing a personal bond of **Rs.50,000/- (Rs. Fifty Thousand only)** and one solvent surety of the like amount to the satisfaction of the concerned Magistrate for his appearance on all the dates of hearing as may be directed in this regard during trial. He is further directed that on being so released on bail, he would comply with the conditions enumerated under section 437(3) Cr.P.C. meticulously.

Certified copy as per rules.

**(ALOK VERMA)**  
**JUDGE**