

M.Cr.C. No.12071/2016

30/11/2016

Shri Apoorva Joshi, learned counsel for the petitioner.

Shri R. Vijayawargiya, learned counsel for the respondent /State.

This is an application under Section 439, Cr.P.C by petitioner-**Wasim @ Tinku**, who has been arrested by Police on **01/11/2016** in **Crime No.289/2016**, Police Station **City Kotwali**, District **Mandsaur**, concerning **offence(s) under Section 366, 376(n) of IPC read with Section 5(l) /6 of Protection of Children from Sexual Offences Act, 2012.**

Heard learned counsel for the parties and perused the case-diary.

Allegedly, the prosecutrix, aged about 18 years, who had already got engaged for marriage with the present petitioner, was taken away by him to Badnagar and thereafter was subjected to rape. The prosecutrix, in her statement recorded under Section 164 of Cr.P.C, has stated that as her parents wanted to break the engagement, she contacted the petitioner and both decided to enter into marriage, therefore, she went with him to Badnagar and married him. It is further stated by the prosecutrix that she is staying with the petitioner in a matrimonial relationship.

Though the prayer for bail is opposed by learned

counsel for the respondent/State, however, considering the aforesaid facts and circumstances of the case, it would be appropriate to release the petitioner on bail.

Accordingly, the petition is hereby allowed and it is directed that on furnishing personal bond by the petitioner in the sum of **Rs.40,000/-(Rupees Forty Thousand Only)**, with one solvent surety in the like amount to the satisfaction of concerned Chief Judicial Magistrate/Judicial Magistrate First Class, he shall be released on bail, subject to the condition that he shall make himself available to the Police, as and when required during the investigation and will also remain present before the trial Court as and when directed in that behalf.

Certified copy as per rules.

(Ved Prakash Sharma)

Judge