

**M.Cr.C. No. 140/2017**

**31.01.2017**

Shri Anurag Vyas, learned counsel for the petitioner.

Shri P. Wadhwani, learned Public Prosecutor.

This is an application under Section 439 of the Cr.P.C. by petitioner-**Mukesh**, who has been arrested by Police on **6.11.2016** in **Crime No.14/2016, Police Station Badgonda, District Indore** concerning **offence(s) under Section(s) 363, 366-A, 368, 376(2N)** of the **IPC** and u/s. **5(L)/6 of the Protection of Children from Sexual Offences Act.**

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

Allegedly, the prosecutrix, aged about 17 years, was enticed away by the petitioner and taken to his village Jamnia and thereafter, from Jamnia to Mhow.

As per prosecution, the prosecutrix stayed for about 10 months with the applicant and was subjected to rape.

Learned counsel for the petitioner has invited attention of this Court to the statement of the prosecutrix recorded u/s. 164 of the Code, wherein, she has stated that she on her own accord went with the petitioner and that, the petitioner has not subjected her to any sort of sexual assault.

Though, the prayer for bail is opposed by learned Public Prosecutor, however, considering the aforesaid facts and circumstances of the case, it would be appropriate to admit 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.

**C.C.** as per Rules.

**( VED PRAKASH SHARMA )  
JUDGE**

Alok/-