

MCRC-3934-2017

(MUBARIK Vs THE STATE OF MADHYA PRADESH)

28-04-2017

Shri Manoj Saxena, learned counsel for the applicant.
Shri R.S. Parmar, learned counsel for the respondent/State.

Case diary is available. Arguments heard.

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

The accused/applicant is arrested by the Police StationâGhatiya, DistrictâUjjain in Crime No.173/2017 under Sections 376, 458 and 506 IPC.

According to the prosecution story, present applicant entered into house of the prosecutrix on 28/02/2017 at about 9.00 p.m. Thereafter, it is alleged that he committed rape on her.

Learned counsel for the applicant submits that after lodging the complaint, in her statement under Section 164 Cr.P.C., the prosecutrix resiled from her earlier version of prosecution story and stated that rape was not committed on her. According to medical report, there was no injury found on her body and the report was lodged after one month of alleged incident.

Learned counsel for the respondent/State opposes the bail application.

Taking into consideration all the facts and circumstances of the case, without commenting on

the merits of the case, I am of the view that it is a fit case for grant of bail. Accordingly, the application filed under section 439 of the Cr.P.C. is **allowed**.

It is directed that the applicant shall be released on bail on his furnishing a personal bond of **Rs.50,000/- (Fifty Thousand Rupees)** with one local 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