

MCRC-4412-2017

(PRAKASH Vs THE STATE OF MADHYA PRADESH)

28-04-2017

Shri Ashish Gupta, learned counsel for the applicant.

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

This is second application under Section 439 of Cr.P.C. for grant of bail. His first application was dismissed on the ground that an affidavit filed by the prosecutrix, which was filed on order of the Court and it was found that the present applicant was pressurizing the prosecutrix to execute the affidavit. However, in her statement before the Court she did not state anything about the affidavit. She turned hostile and did not support the prosecution story, and therefore, no evidence is available against him.

Case-diary is available.

Argument heard.

The present applicant was arrested by Police Station-Raoti, Distt-Ratlam, in Crime No.357/2016 under sections 354, 354 (A), 365, 147, 323, 294 and 506 of IPC.

It is alleged that the husband of the prosecutrix Kalu S/o Uda and her father-in-law disrobed her and she was taken around the entire village alongwith complainant Bahadur, who was also disrobed in similar manner. Allegations against the present applicant are that he is relative of husband of the prosecutrix Kalu. They had beaten the prosecutrix and Bahadur during the incident due to which, they sustained various injuries on their body.

Learned counsel for the applicant submits that after turning hostile of prosecutrix, no other evidence is available against the present applicant.

Learned counsel for the State opposed the application.

After taking all the facts and circumstances of the case into consideration and without commenting on merit, this application under Section 439 Cr.P.C. is allowed.

It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum 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