

**M.Cr.C. No.5026/2017**

**29.5.2017**

Shri Devansh Mishra, counsel for the applicant.

Shri Mukesh Kumawat learned Panel Lawyer for the respondent /State.

This is the first application filed by the applicant under Section 439 of Cr.P.C. for grant of bail.

The applicant is in custody w.e.f. 16.3.2017 in connection with Crime No. 376/2016 registered at P.S. Gandhwani District Dhar M.P., for offences punishable under Sections 363,366,376 and 368 of the IPC and under Section 3/4 of POCSO Act.

Learned counsel for the applicant contends though prosecutrix is a minor girl aged 15 years but as alleged in her statement under Section 161 Cr.P.C.said the present applicant assisted the co-accused providing the room. The allegation of commission of rape is not against him. In the statement under Section 164 Cr.P.C. even allegation of providing of room has not been alleged against him. However, looking to the period of custody which is more than two months, prayer is made to enlarge the applicant on bail.

Learned counsel for the State opposes the application.

On due consideration of facts and circumstances of the case, this court deems it proper to grant bail to the applicant.

Accordingly, the application is allowed. Applicant

**Sukhlal,** is directed to be released on bail on his furnishing a personal bond in a sum of **Rs.50,000/-** with a solvent surety in the like amount to the satisfaction of JMFC concerned or CJM for his appearance in the trial Court on the dates so fixed by that Court during the trial. It is directed that the applicant shall comply the provisions of Section 437(3) of Cr.P.C.

Certified copy as per rules.

**(J.K. Maheshwari)**  
**Vacation Judge**

M.Jilla.