

M.Cr.C. No. 5985/2018

(Chawan @ Chowan S/o Kalu Bhilala Vs. State of M.P.)

Indore, dated 28/02/2018

Shri Akash Rathi, learned counsel for the applicant.

Shri R.K. Sharma, learned GA for the respondent/State.

Heard. Case diary perused.

This is first application under section 439 of Cr.P.C for grant of bail in connection with the Crime no. 13/2018 registered at police station – Kukshi, District - Dhar for commission of the offence punishable under sections 354, 354(A)(i) of IPC and sections 7 / 8 of POCSO Act.

As per the prosecution story, on 04/01/2018 at about 12 hours, the prosecutrix was watering the field. At that time, the present applicant came there and caught hold of her hand and he was forcibly trying to take her to the nala near the field. On her shouting, when her brother Karan came there, the applicant ran away from there.

Learned counsel for the applicant submitted that the applicant is a youth of 20 years who has no criminal antecedents. False allegation has been made against the applicant, that he had caught hold of the victim's hand. The applicant is in custody since 09/01/2018 Investigation is over and charge sheet has been filed. Conclusion of the trial will take considerable time. In these circumstances, learned counsel for the applicant prays for grant of bail to the applicant.

On the other hand, learned public prosecutor for the respondent / State submits that no sufficient ground is made

out for releasing the applicant on bail, hence the application filed by the applicant be dismissed.

Considering the facts and circumstances of the case and the arguments advanced by learned counsel for the applicant, but without commenting on the merits of the case, the application filed by the applicant is allowed. The applicant *Chawan @ Chowan S/o Kalu Bhilala* is directed to be released on bail on his furnishing a personal bond in the sum of Rs. 40,,000/- with one solvent surety of the like amount to the satisfaction of the trial Court for his regular appearance before the trial Court during trial with a condition that he shall remain present before the Court concerned during trial and shall also abide by the conditions enumerated under section 437(3) of Cr.P.C.

This order shall be effective till the end of the trial, however, in case of bail jump, it shall become ineffective.

Certified copy as per rules.

(S.K. AWASTHI)
JUDGE

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