

HIGH COURT OF MADHYA PRADESH
M.Cr.C. No.7761/2018

Indore: Dated:-28/02/2018:-

Shri M.M. Joshi, learned counsel for the petitioner.

Shri Rajesh Joshi, learned Public Prosecutor for the respondent/State.

Heard with the aid of case diary.

O R D E R

This bail application under section 439 of CrPC is in connection with **crime number 315/2017 U/s 366 & 376 of IPC registered at Police Station -Tarana, District-Ujjain.**

2. As per information given by the accused/applicant, this is the first bail application in connection with the present crime number. No other bail application is either filed or pending before or decided by any coordinate bench of this court or by Hon'ble the Apex court in the same crime number.

3. It is submitted by the learned counsel for the applicant that the applicant is innocent and has falsely been implicated in the present case. There is no evidence against him. Conclude of trial is likely to take time. The applicant is permanent resident of Ujjain. There is no possibility of his absconding. He is ready to furnish adequate security.

4. According to the prosecution case, the husband of the prosecutrix found her missing from the house and on search, he came to know that accused has taken her away. He

reported the matter to the police. She was recovered on 20.08.2017. Police recorded her statement under Section 161 of Cr.P.C. and also statement of her two daughters - Sanjna and Anjali, aged 12 and 9 years respectively, who accordingly stated that they had gone with her mother. In their statement, they had not stated any allegation of use of force by the accused. The prosecutrix is 30 years of age and have 3 children. She has gone with the applicant along with her children. She remained with him for next 15 days and thereafter called her brother Rahul, who bring her back home and produced her in the police station.

5. Learned Public Prosecutor has opposed the bail, stating that in her statement recorded under Section 164 of Cr.P.C., she has narrated the incident and has made allegations that the accused had kidnapped her on the point of knife and he also threatened her. He pressed her mouth and he took with him forcibly.

6. The accused is in custody from 10/12/2017. Investigation is over and charge sheet has already been filed. Trial is likely to take time.

7. Considering the fact that the prosecutrix had gone with the accused along with her two children, she has not made any allegations in her statement recorded under Section 161 of CrPC, she remained with the accused for next 15 days and also her age, I deem it proper to release the accused on bail. Therefore, without commenting on merits of the case, the application is allowed.

8. It is directed that the applicant **Ravi S/o Chhitulal** be released from custody on his furnishing a personal bond in the sum of **Rs. 40,000/- (Rs. Forty Thousand)** with **one** solvent surety of the like amount to the satisfaction of the Trial Court for his appearance before the Trial Court as and when required further subject to the following conditions:

- (i) The applicant shall co-operate in the trial and shall attend the trial Court during the trial;**
- (ii) The applicant shall not directly or indirectly allure or make any inducement, threat or promise to the prosecution witnesses, so as to dissuade them from disclosing such facts of the Court;**
- (iii) The applicant shall not commit any offence or involve in any criminal activities;**
- (iv) In case, involvement in any other criminal activities is found, the bail granted in this case may also be cancelled.**

C.C. as per rules.

(Virender Singh)
Judge

soumya

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by Soumya
Ranjan Dalai
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