

MCRC No.20843/2018

Indore, dated:31.05.2018

Shri S. Sharma, learned counsel for the applicant.

Ms. Bhakti Vyas, GA for the respondent/State.

Heard finally.

Case diary perused.

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

The applicant is in custody since 06.08.2017 in connection with Crime No.130/2017 registered at P.S. Afzalpur, District Mansaur for the offence punishable under Sections 363, 366, 368 and 376 (2) (n) of IPC and 6-L/6 of Protection of Children From Sexual Offences Act, 2012.

The allegation against the present applicant is that on 26.05.2017, he took the prosecutrix and committed rape with her against her will. However, she was recovered on 06.08.2017 from the possession of present applicant.

Learned counsel for the applicant submits that the applicant has been falsely implicated in the case. He further submits that in her statement recorded under Section 164 of Cr.P.C. no allegation has been made by her.

Learned counsel for the State has opposed the application.

On due consideration of the contentions raised by the learned counsel for the parties, nature of the allegation against the applicant and overall facts and circumstances of the case, I am of the considered view that it is a fit case to release the applicant on bail, therefore without expressing any view on the merits of the case, the application is allowed and it is directed that applicant **Mahesh** shall be released on bail

on furnishing a personal bond in a sum of **Rs.50,000/- (Rs. Fifty Thousand only)** with one surety in the like amount to the satisfaction of the committal Court/Trial Court for securing his presence before the said Court on all the dates of hearing fixed in this regard during trial.

Certified copy as per rules.

(Subodh Abhyankar)
Vacation Judge

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