

The High Court Of Madhya Pradesh
CRA-733-2021

(DEEPAK PRAJAPATI Vs THE STATE OF MADHYA PRADESH AND OTHERS)

Jabalpur, Dated : 30-04-2021

Heard through Video Conferencing.

Shri Amit Dubey, learned counsel for the appellant.

Shri Piyush Bhatnagar, learned Panel Lawyer for the respondent/State.

Heard.

This first bail application by way of criminal appeal under Section 14-A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, has been filed by the appellant seeking bail in connection with Crime No.108/2019 registered at Police Station Gopalpur, District Sehore, for the offence punishable under Sections 363, 366, 344, 376(2)(n) of the Indian Penal Code, Section 5/6 of the Protection of Children from Sexual Offences Act, 2012 and Section 3(1)(w)(2) and 3(2)(v) of the SC/ST Act.

Learned counsel for the appellant submits that the appellant is in custody since 10.01.2021. He further submits that in the statement of 164 the prosecutrix has not supported the case of the prosecution as she very categorically stated that she went with the appellant by her own and the appellant has not committed any mischief with her. Upon these submissions, he prays that the appellant be released on bail.

Though the bail application has been opposed by Shri Bhanagar, but considering the aforesaid and the fact that the present appellant is an under trial accused and is in arrest since 10.01.2021 and at present physical trial is not being conducted due to surge of COVID-19, without commenting anything on the merits of the case, I am inclined

to consider and allow this appeal. Accordingly, it is **allowed**.

It is directed that the appellant be released on bail upon his furnishing a personal bond in the sum of **Rs.50,000/- (Rupees Fifty Thousand)** with one solvent surety of the like amount to the satisfaction of the Court concerned for his appearance on the dates given by it.

It is further directed that the appellant shall abide by the conditions enumerated in Section 437(3) of the Code of Criminal Procedure.

The jail authority is also directed to ensure that the appellant is examined by the jail doctor to ascertain that he is not afflicted with the COVID-19 virus. If the doctor suspects otherwise, the appellant shall be referred to the appropriate hospital for further management as per the protocol laid down by the State. In the event, the jail doctor is of the opinion that the appellant can be released, then he shall be released.

Certified Copy as per rules.

(SANJAY DWIVEDI)
JUDGE

ac/-