

The High Court Of Madhya Pradesh

MCRC-13672-2021

(GYARSI CHOUDHARI Vs THE STATE OF MADHYA PRADESH)

Jabalpur, Dated : 31-03-2021

Shri Ravi Kumar Tiwari, counsel for the applicant.

Shri B.S. Sahu, Panel Lawyer for the respondent/State.

Shri Abhishek Kumar Mishra, counsel for the complainant.

Prosecutrix is present in person along with her mother Savitri and they have been identified by Shri Abhishek Kumar Mishra, Advocate.

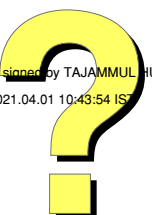
Case diary is available.

Heard.

This is first bail application under Section 439 of Cr.P.C in connection with Crime No.1108/2020 registered at Police Station Ghamapur, Jabalpur for the offence under Sections 363, 366, 376 (2) and 344 of IPC, Section 3, 4, 5 (L)(5), POCSO Act, 2012.

The case of the prosecution is that, the prosecutrix aged about 17 years and 6 months was found missing from her residential address on 01.12.2020. Her mother lodged a missing person's report, on that basis, Crime No.1108/2020 for the offence punishable under Section 363 of IPC was registered against unknown person. Later on, the prosecutrix was recovered on 05.01.2021. Her statements under Sections 161 and 164 of Cr.P.C. was recorded. The statements of other family members were also recorded. On the basis of their statements, offence under Sections 366, 376 (2) and 344 of IPC, Section 3, 4, 5 (L)(5), POCSO Act, 2012 has been added in the already registered crime against the applicant.

Learned counsel for the applicant has submitted that the applicant has not committed any offence. It is also submitted that the applicant has no criminal antecedents and he is ready to furnish bail as per the order and shall abide by all conditions as may be imposed by the Court. The applicant is in jail since 06.01.2021 and the trial will take long time for its final disposal. It is also submitted that it is a matter of love affair and the applicant has not



committed forceful intercourse with the prosecutrix. On these grounds, learned counsel for the applicant prays for grant of bail to the applicant.

Per-contra, learned counsel for the respondent-State has vehemently opposed the bail application.

The prosecutrix along with her mother has appeared with her counsel and submitted that the applicant has solemnized marriage with her and she is pregnant after making physical relation with her. Prosecutrix and her mother have no objection, if the applicant is released on bail.

The prosecutrix is marginally minor and appears to be quite prudent. The prosecutrix and her mother have shown no objection, if the applicant is enlarged on bail.

Considering the facts and circumstances of the case, statements of the prosecutrix recorded under Section 161 and 164 of Cr.P.C., no objection raised during course of hearing and the fact that the applicant is in jail since 06.01.2021 and the trial will take time to conclude, I am of the considered view that it is a fit case to release the applicant on bail. Therefore, without commenting on the merits of the case, application is hereby allowed.

It is directed that applicant be released on bail on his furnishing a bail bond in the sum of Rs.30,000/- (Rupees Thirty Thousand) with one surety of the same amount to the satisfaction of the committal/trial Court to appear before them on the dates given by the concerned Court. It is directed that applicant shall comply with the provisions of Section 437(3) Cr.P.C.

In view of the outbreak of 'Corona Virus disease (COVID-19)' the concerned jail authorities are directed to follow the directions/guidelines issued by the Government of India with regard to COVID-19 before releasing the applicant.

This M.Cr.C. stands allowed and disposed of.

CC as per rules.

(MOHD. FAHIM ANWAR)
JUDGE

