

The High Court Of Madhya Pradesh
MCRC No. 30958 of 2021
(ANAND @ BANTI Vs THE STATE OF M.P.)

Jabalpur, Dated : 30-11-2021

Shri Bhoopendra Kaurav, learned counsel for the applicant.

Shri Shahrukh Riyaz, learned Panel Lawyer for the respondent/State.

Shri Ghanshyam Barman, learned counsel for objector.

This is first bail application filed under Section 439 of Cr.P.C. on behalf of applicant, who is in jail since 19.08.2020 in connection with Crime No.449/2020, registered at Police Chowki Sinhpur, Police Station Stationganj, District Narsinghpur (M.P.), for the offences punishable under Sections 363, 366, 366-A, 376-D and 342 of Indian Penal Code and Sections 5 & 6 of POCSO Act.

Learned counsel appearing for the applicant submitted that applicant is innocent and has falsely been implicated in the case of rape. It is submitted that applicant was having love relationship with the prosecutrix who is major. It is submitted by him that prosecutrix is married to applicant and she had went away with applicant on her own free will. Both of them lived together for 15 days and thereafter when prosecutrix returned, she had lodged false F.I.R under pressure of her husband. In this circumstances, learned counsel prayed for bail.

Learned counsel for objector as well as learned Panel Lawyer appearing for the respondent/State has opposed the prayer for grant of bail. It is submitted that applicant alongwith four other persons had forcibly abducted the prosecutrix and committed rape on her.

Heard the counsel for the parties.

On perusal of statement of prosecutrix, it has been stated that she had lived for 15 days in the house of aunt of applicant however in F.I.R it has been stated that date of incident is 24.6.2020 and F.I.R has been lodged on 25.6.2020 and there appears to be discrepancy in the prosecution version. Age of prosecutrix is also more than 17 years.

Considering the aforesaid facts and circumstances of the case, bail application filed by the applicant is allowed.

It is directed that applicant **Anand @ Banti** shall be released on bail on his furnishing personal bond in the sum of **Rs.50,000/- (Rupees Fifty Thousand only)** with one solvent surety in the like amount to the satisfaction of the trial court.

The applicant shall abide by the conditions enumerated under Section 437(3) of Cr.P.C.

C.C as per rules.

(VISHAL DHAGAT)
JUDGE

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