

THE HIGH COURT OF MADHYA PRADESH

M.Cr.C. No.33491/2021

(Dippu @ Tularam Patel vs. State of Madhya Pradesh)

Jabalpur, Dated 31.07.2021

Shri Isar Ahmed, counsel for the petitioner.

Shri Anil Upadhyaya, Panel Lawyer for the respondent/State.

O R D E R

Crime No.	Under section	Police Station	Date of Arrest
452/2019	376, 450 & 456 of IPC	Hata, District Damoh	31.10.2019

As declared by the petitioner, this is the third bail application under Section 439 of Cr.P.C. The first application was dismissed as withdrawn vide order dated 07.01.2020 passed in M.Cr.C. No.50758/2019 and the second application was dismissed on merits vide order dated 21.10.2020 passed in M.Cr.C. No.31136/2020.

2- Heard the parties at length.

3- This time the petitioner has come after examination of parents of the victim (PW-1) and (PW-2) along with the statement of patwari-Koduram Patel (PW-3). The parents of the victim have turned hostile and this is the main plank of argument of the petitioner for pressing bail.

4- Further, it is pleaded that the petitioner is a 19 year old young boy, cousin of the victim and is in jail since about 2 years. Medical report does not support the case of the prosecution. The

trial is held-up due to COVID-19 pandemic; therefore, he be granted bail.

5- The objection of the prosecution is that in her statement recorded under Section 164 Cr.P.C. the deaf and dumb girl has supported the allegation of rape. She was produced before the Court, but could not be examined due to non-availability of interpreter. There is no material change in the facts and circumstances of the case, victim is still to be examined, DNA report is also awaited; therefore, the petitioner be not granted bail.

6- I have considered, the rival contentions and also considered statement of the victim record under Section 164 Cr.P.C. as read over to me.

7- On due consideration of the statement of the victim and the other facts and circumstances of the case, I do not find it a fit case to enlarge the petitioner on bail on any of the grounds pressed for. Therefore, the petition is *dismissed*.

(Virender Singh)
JUDGE

Loretta

Digitally signed by MRS. LORETTA
RAJ
Date: 2021.08.02 10:32:53 +05'30'