

The High Court Of Madhya Pradesh

MCRC No. 40387 of 2021

(JEETU SANODIYA Vs THE STATE OF MADHYA PRADESH)

Jabalpur, Dated : 29-10-2021

Shri Laxmi Prasad Yadav, learned counsel for the applicant.

Shri O.P. Patel, learned Panel Lawyer for the respondent/State.

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

The applicant is in custody since 26/07/2021 in connection with Crime No.159/2021 registered at P.S. Lakhnawara District Seoni (MP) for the offence punishable under Sections 363, 366(A), 376 and 376(2)(n) of the IPC alongwith Section 5(L)/6 of the Protection of Children from Sexual Offences Act, 2012.

As per the prosecution case, it is alleged that applicant abducted the prosecutrix and committed rape upon her.

Learned counsel for the applicant submits the the applicant is innocent and he has falsely been implicated in the alleged offence. It is also submitted that the prosecutrix has not made any allegation against the applicant regarding abduction or commission of rape in her statement recorded under Section 164 of the Cr.P.C. Under these circumstances, no alleged offence is made out against the applicant. He is in custody since 26/07/2021 and trial will take considerable time. There is no likelihood of applicant absconding or tampering with the evidence. Hence, he be enlarged on bail.

Learned P.L. opposed the application and prayed for rejection of the same.

Looking to the facts and circumstances of the case coupled with the fact that the prosecutrix has not not made any allegation against the applicant in her statement under Section 164 of the Cr.P.C., this Court is of the view that this is not a case in which the applicant is required to be kept in custody during the whole trial, but without commenting anything on the merits of the case, this application is **allowed**.

It is ordered that that the applicant/accused be released on bail on his furnishing a personal bond for the sum of **Rs.50,000/-** (Rupees Fifty Thousand Only) with a solvent surety in the like amount to the satisfaction of the trial Court for securing his presence before the said Court on all the dates of hearing fixed in this regard during trial and for complying with the conditions enumerated in sub-section (3) of Section 437 of Cr.P.C.

It is further directed that the Jail authority shall comply with all the directions and guidelines issued by the Central Government and the State Government from time to time in regard to outbreak of Covid-19 pandemic before releasing the applicant from the jail.

Certified copy/e-copy-as per rules.

(ARUN KUMAR SHARMA)
JUDGE

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