

1
**IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE**

**BEFORE
HON'BLE SHRI JUSTICE SATYENDRA KUMAR SINGH
ON THE 29th OF DECEMBER, 2022**

MISC. CRIMINAL CASE No. 61645 of 2022

BETWEEN:-

**KANA @ KANHAIYALAL S/O RAMLAL, AGED ABOUT 24
YEARS, OCCUPATION: LABOUR R/O DHATURIYA
TEHSIL AND P.S. SITAMAU DISTRICT MANDSAUR
(MADHYA PRADESH)**

.....PETITIONER

(BY SHRI VINOD THAKUR, ADVOCATE)

AND

**THE STATE OF MADHYA PRADESH THRUUGH POLICE
STATION SITAMAU DISTRICT MANDSAUR (MADHYA
PRADESH)**

.....RESPONDENTS

(BY MS MAMTA SHANDILYA, GOVT. ADVOCATE)

.....
*This application coming on for order this day, the court passed the
following:*

ORDER

Case diary is available.

With consent, heard finally.

This is first application filed under Section 439 of Cr.P.C for grant of bail to the applicant, as he has been arrested in connection with Crime No.651/2022, registered at Police Station Sitamau District Mandsaur (M.P.) for commission of offence punishable under Section(s) 376, 376(2)(N) and 506 of IPC.

Prosecution story, in brief, is that on 25.03.2022, when complainant was going to her matrimonial house and waiting for bus at bus stand Khejadia,

applicant came there on motorcycle and took the prosecutrix on the pretext that he will drop her at Mandsaur and thereafter committed rape upon her and also threatened her of dire consequences, if she disclose about the same to anyone.

Learned counsel for the applicant submits that as per prosecution case itself, FIR was lodged on 02.11.2022 i.e. after about 07 months of the incident and complainant's husband saw the applicant at matrimonial house. Complainant is a major married lady aged about 35 years while applicant is 24 years of age. Thus, applicant has been falsely implicated in the matter. He is in custody since 03.11.2022. Investigation is complete and chargesheet has been filed. Trial will take time for its conclusion. Hence, prayer is made to enlarge the applicant on bail.

Learned counsel for respondent/State opposes the application and submits that offences alleged against the applicant are of serious nature. Therefore, applicant does not deserve to be enlarged on bail.

Having considered the rival submissions, material pointed out by learned counsel for the applicant, especially age of the prosecutrix, nature of allegations alleged against him and also considering the fact that FIR was lodged after about 07 months, this Court is of the view that applicant deserves to be enlarged on bail, hence, without commenting anything on the merits of the case, the application is allowed.

It is directed that the applicant is directed to be released on bail upon his furnishing personal bond in the sum of **Rs.50,000/- (Rupees Fifty thousand Only)** with a solvent surety in the like amount to the satisfaction of the concerned Court for his appearance before the trial Court on all such dates as may be fixed in this behalf by the trial Court during the pendency of trial. It is further directed that applicant shall comply with the provisions of Section 437

(3) of Cr. P. C.

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

C. C. as per rules.

(SATYENDRA KUMAR SINGH)
V. JUDGE

sh

