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

**HON'BLE SHRI JUSTICE SATYENDRA KUMAR SINGH**

**ON THE 29<sup>th</sup> OF DECEMBER, 2022**

**MISC. CRIMINAL CASE No. 61853 of 2022**

**BETWEEN:-**

**RAVI S/O KALU CHOGAD, AGED ABOUT 20 YEARS,  
OCCUPATION: LABOUR MANAWAR TEHSIL MANAWAR  
DISTRICT DHAR (MADHYA PRADESH)**

**.....APPLICANT**

***(BY SHRI SUBODH CHOUDHARY, ADVOCATE.)***

**AND**

**THE STATE OF MADHYA PRADESH STATION HOUSE  
OFFICER THROUGH POLICE STATION MANAWAR  
DISTRICT DHAR (MADHYA PRADESH)**

**.....RESPONDENTS**

***(BY MS. MAMTA SHANDILYA, GOVT. ADVOCATE FOR STATE. )  
(NONE FOR THE PROSECUTRIX THOUGH SERVED.)***

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

**ORDER**

This is first application filed under Section 439 of Cr.P.C for grant of bail to the applicant, as he has been arrested on 17.11.2022 in connection with Crime No.1168/2022, registered at Police Station Manawar, District- Dhar (M.P.) for commission of offence punishable under Section 363, 366-A, 376, 376(2)(k), 376(2)(n) & 344 of IPC and sections 3/4, 5(L)/6 of POCSO Act.

Prosecution story in brief is that on 04.10.2022 applicant kidnapped and abducted minor prosecutrix aged about 16 years and 2 months kept her captivated and committed rape upon her repeatedly. Accordingly, case has

been registered.

Learned counsel for the applicant submits that initially missing person report / FIR was lodged against the unknown persons. After about one and a half month of the incident prosecutrix was recovered and thereafter, crime was registered against the applicant. He further submits that prosecution has not submitted any other documents except school scholar register of the prosecutrix with regard to the age. The school scholar register entry submitted by the prosecution is of 9th standard. Prosecution has failed to prove the fact that prosecutrix is minor at the time of the incident and she voluntarily went with the applicant and lived with him for about one and half month hence, no case is made out against the applicant. Applicant is in custody since 17.11.2022. The conclusion of trial will take considerable long time, therefore, he may be enlarged on bail.

Learned counsel for the respondent/State has opposed the bail application and submits that prosecutrix is minor at the time of incidence and the allegations leveled against the applicant is of serious in nature hence he is not entitled for grant of bail.

I have considered the rival submissions, material pointed out by the learned counsel for the applicant especially with regard to the evidence produced on record relating to the age of the prosecutrix and delayed FIR and also considering age of the applicant, this Court is of the considered view that the applicant deserves to be enlarged on bail, hence without commenting anything on the merits of the case, this 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 the trial. It is further directed that applicant shall comply with the provisions of Section 437(3) Cr.P.C.

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

C.C. as per rules.

**(SATYENDRA KUMAR SINGH)**  
**V. JUDGE**

ajit

