

Naresh Vs. the State of Madhya Pradesh

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Court : Madhya Pradesh

Decided On : Mar-21-2013

Appellant : Naresh

Respondent : The State of Madhya Pradesh

Judgement :

M.Cr.C.No.2143/2013 21.3.2013 Shri R.S.Patel, Advocate for the applicant.

Shri Chandrakant Mishra, GA for the State.

This is the fiRs.bail application filed by the applicant under Section 439 of the Cr.P.C.for grant of bail.

The applicant is in custody since 21.12.2012 in connection with Crime No.209/2012 registered at P.S.Sendri, District Tikamgarh for the offence punishable under Sections 294, 323, 506, 376, 307 of the IPC.

Learned counsel for the applicant submits that the applicant has been falsely implicated in the case.

The prosecutrix was in love affair with the applicant and the parents of the prosecutrix were going to solemnize the marriage of the prosecutrix with someone else, therefore, she called the applicant.

The applicant was not ready to marry with the prosecutrix, therefore, she jumped into a well and 3-4 persons saved the life of the prosecutrix.

The prosecutrix did not say anything in regard to commission of rape by the applicant.

During investigation, it was found by the Police that the prosecutrix used to make calls to the applicant, therefore, the possibility of love affair between them cannot be ruled out.

As per ossification test, the age of the prosecutrix is more than 16 years. The applicant is in custody and trial would take considerable time to conclude, therefore, he be released on bail.

Learned counsel for State has opposed the application.

On due consideration of the contention raised by the learned counsel for the parties and overall facts and circumstances of the case, I am of the considered view that it is a fit case to release the applicant on bail, therefore, without expressing any view on the merits of the case, the application is allowed and it is directed that the applicant shall be released on bail on his furnishing a personal bond in a sum of Rs.35,000/- (Rs.Thirty Five Thousand only) with one surety in the like amount to the satisfaction of the committal Court/trial Court for securing his presence before the said Court on all the dates of hearing fixed in this regard during trial.

Certified copy as per rules.

(G.S.Solanki) Judge PB

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