

IN THE HIGH COURT OF MADHYA PRADESH AT INDORE

BEFORE

HON'BLE SHRI JUSTICE VIVEK RUSIA

ON THE 26th OF SEPTEMBER, 2022

MISC. CRIMINAL CASE No. 13865 of 2022

BETWEEN:-

RAJKUMAR JHAKNORIYA S/O DAUJARAM
JHAKNORIYA, AGED ABOUT 22 YEARS, SHIV
DARSHAN NAGAR (MADHYA PRADESH)

.....PETITIONER

(BY SHRI GULAB SHARMA, ADVOCATE)

AND

1. THE STATE OF MADHYA PRADESH STATION HOUSE
OFFICER THROUGH POLICE STATION AZAD NAGAR
(MADHYA PRADESH)

2. VICTIM X D/O THROUGH P.S AZAD NAGAR (MADHYA
PRADESH)

.....RESPONDENTS

(BY SHRI SAMEER VERMA, PANEL LAWYER)

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

O R D E R

This is the repeat (third) application filed by the applicant under Section 439 of the Code of Criminal Procedure, 1973 for grant of bail in connection with Crime No.454/2019 registered at Police Station – Azad Nagar, District – Indore for the offences

punishable under Sections 376(2)(n), 506-II of the Indian Penal Code, Sections 5(1)/6, 11(i)(2), 11(v)/12 of Protection of Children from Sexual Offences Act & Section 67-A and 67-B of the Information Technology Act. The applicant is in custody since 03.09.2019.

First application of the applicant i.e. M.Cr.C. No.3857 of 2020 was dismissed as withdrawn vide order dated 05.02.2020. Vide order dated 11.05.2021, second application of the applicant i.e. M.Cr.C. No.47008 of 2020 was dismissed and the trial Court was directed to appreciate the evidence in respect of the age of the prosecutrix.

Shri Gulab Sharma, learned counsel for the applicant submits that the age of the prosecutrix was 17.8 years at the time of commission of alleged offence. As per medical report, the age of the prosecutrix is 17 years. As on today, no document has been filed to establish that on what basis date of birth of the prosecutrix was recorded in the scholar register. The applicant is aged about 22 years having no criminal antecedent. No photograph has been found in the mobile phone of the applicant as alleged by the prosecutrix. Since the prosecutrix has been examined, there is no question of influencing the witnesses. Hence, present applicant may be enlarged on bail.

Learned Government Advocate for the respondent / State opposes the bail application.

Considering the facts and circumstances of the case and

without expressing any opinion upon the merits of the case, I deem it proper to enlarge the applicant on bail. Accordingly, the bail application is allowed. The applicant – Rajkumar Jhaknoriya is directed to be released on bail upon his furnishing personal bond in the sum of **Rs.40,000/- (Rupees Forty Thousand Only)** with one solvent surety in the like amount to the satisfaction of the Trial Court for his appearance before that Court during the pendency of trial. The applicant shall also abide by the conditions enumerated under Section 437(3) Cr.P.C.

This bail order shall be effective till the end of the trial, however, in case of bail jump, the present bail order shall become ineffective.

Certified copy, as per Rules.

(VIVEK RUSIA)
J U D G E

Ravi