

Yuvraj Yadav vs State Of Mp on 25 September, 2024

Author: Prakash Chandra Gupta

Bench: Prakash Chandra Gupta

NEUTRAL CITATION NO. 2024:MPHC-IND:28188

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IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE
BEFORE
HON'BLE SHRI JUSTICE PRAKASH CHANDRA GUPTA
ON THE 25th OF SEPTEMBER, 2024
MISC. CRIMINAL CASE No. 38179 of 2024
YUVRAJ YADAV AND OTHERS
Versus
STATE OF MP AND OTHERS

Appearance:

Shri Vijay Sharma - Advocate for the applicants.
Shri Tarun Pagare - Govt. Advocate for the respondent No.

Shri Akshay Suryawanshi - Advocate for the respondent No.

ORDER

After arguing for a while, learned counsel for the applicants seeks leave of this Court to withdraw this application filed u/S 483 of BNSS in respect of applicant No.2 Rahul Solanki.

2. The other side has no objection.

3. Accordingly, this application is dismissed as withdrawn.

4. Heard with the aid of case diary.

5. This is first application filed under Section 483 of B.N.S.S. for grant of bail to the applicant No.1/accused, relating to FIR/Crime No.337/2024 dated (not mentioned) registered at Police Station : Anjad, District Barwani (M.P.) for commission of offence punishable under Sections 363, 366-A, 376, 376(2)(N), 368 and 34 of IPC and Sections 5(L)/6 and 3/4 of POCSO Act.

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6. Prosecution story, in brief is that at the time of the incident, the prosecutrix was minor below age of 17 years. On 17.06.2024, the prosecutrix was missing from her house, therefore on the same day,

a missing present report was lodged by her mother. On 11.07.2024, the prosecutrix was recovered from possession of the applicant No.1 Yuvraj. Her statement under Sections 180 and 183 of BNSS was recorded on the same day, wherein she stated that the applicant No.1 Yuvraj took her along with him to Maharashtra in a Dhaba and committed rape upon her repeatedly. On 13.07.2024 in her second statement recorded under Section 183 of BNSS, she implicated the applicant No.2 Rahul Solanki that he took her Maharashtra and kept her for 20 days. Meanwhile, he committed rape upon her repeatedly. Therefore, on the aforesaid basis, present applicants are implicated in the case.

7. Learned counsel for the applicant No.1/accused submits that the applicant has not committed the offence and has falsely been implicated in the case. It is further submitted that as per statement of prosecutrix recorded under Sections 180 and 183 of BNSS are contradictory. After filing of the charge-sheet, the prosecutrix (PW-1) has examined before the trial Court, wherein Paragraph 20 of cross-examination, a query was raised by the trial Court, where the prosecutrix admitted that only applicant No.2 Rahul committed rape upon her. Therefore, there are material contradictions in respect of applicant No.1 Yuvraj. He is in custody since 11.07.2024. After completion of investigation, charge-sheet has been filed. Trial will take considerable long time for its disposal, therefore, it is prayed that the applicant be released on bail.

8. On the other hand, learned counsel for the non-applicant/State has opposed the prayer of the applicant and submits that applicant No.1 NEUTRAL CITATION NO. 2024:MPHC-IND:28188 3 MCRC-38179-2024 has criminal past. Therefore, he is not entitled for bail.

9. Having considered the rival submissions and after perusal of the case diary so also considering overall facts and circumstances of the case and the allegations made against the applicant, this Court is of the view that applicant deserves to be enlarged on bail, hence, without commenting on the merits of the case, the application is allowed.

10. It is directed that applicant No.1 - Yuvraj Yadav shall be released on bail on her furnishing a personal bond for a sum of Rs.50,000/- (Rupees Fifty thousand only) with one solvent surety in the like amount to the satisfaction of the concerned Court, for her appearance before the concerned Court regularly on all such dates as may be fixed in this regard during trial. It is further directed that applicant shall comply with the provisions of Section 480(3) of BNSS.

11. This order shall be effective till the end of trial but in case of bail jump, it shall become ineffective.

12. With the aforesaid, this application is allowed and stands disposed of.

Certified copy, as per Rules.

(PRAKASH CHANDRA GUPTA) JUDGE Shruti