

Chandersingh vs The State Of Madhya Pradesh on 21 September, 2024

Author: Prakash Chandra Gupta

Bench: Prakash Chandra Gupta

NEUTRAL CITATION NO. 2024:MPHC-IND:27830

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IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE
BEFORE
HON'BLE SHRI JUSTICE PRAKASH CHANDRA GUPTA
ON THE 21st OF SEPTEMBER, 2024
MISC. CRIMINAL CASE No. 40095 of 2024
CHANDERSINGH
Versus
THE STATE OF MADHYA PRADESH AND OTHERS
Appearance:
Shri Vismit Panot, learned counsel for the applicant.
Ms. Neelu Khetra, learned Dy. G.A. for the State.

ORDER

Heard with the aid of case diary.

This is first bail application filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (in short "B.N.S.S.") for grant of anticipatory bail to the applicant in connection with FIR/Crime No.65/2024 Date:-(Not mentioned) registered at P.S.-Bag, District-Dhar (M.P.) for commission of offence punishable under Sections 363, 366-A, 376 (3), 376 (2)(n), 344, 323, 506 and 109 of the IPC and sections 3/4 & 5(L)/6 of the POCSO Act.

2. Prosecution story in short is that, at the time of incident prosecutrix was minor below 16 years of age. On 03.02.2024 when the prosecutrix was returning from her school, in the way, a Child in Conflict with Law and co- accused Dileep came there and forcibly took the prosecutrix to house of sister and brother in law of Child in Conflict with Law namely Lila and NEUTRAL CITATION NO. 2024:MPHC-IND:27830 2 MCRC-40095-2024 Bharat respectively. Thereafter, co-accused Dileep returned back. Co- accused Bharat and Child in Conflict with Law assaulted the prosecutrix. Child in Conflict with Law kept the prosecutrix around one and a half months in the house of co-accused Bharat. Meanwhile Child in Conflict with Law committed rape upon her repeatedly.

3. Learned counsel for the applicant submit that he has not committed the offence and has falsely been implicated in the case. It is submitted that father of the prosecutrix lodged FIR/ missing person report on 10.02.2024, in which he only expressed his suspicion that Child in Conflict with Law and his father/ present applicant Chander Singh have kidnapped the prosecutrix. It is also submitted that prosecutrix has not said anything about the applicant in her statements recorded under sections 161 and 164 of the Cr.P.C.

therefore, it cannot be said that applicant was involved in the crime. It is also submitted that there is no reliable evidence available against the applicant in this case to connect him in the crime. It is further submitted that applicant is a reputed person and he has apprehension of his arrest therefore, it is prayed that applicant be granted anticipatory bail.

4. On other hand, counsel for the non-applicant/State has objected the prayer of the applicant and prayed for its rejection. However, it is fairly submitted by her that prosecutrix did not say anything against the applicant in her statements recorded under sections 161 and 164 of the Cr.P.C.

5. Having heard learned counsel for the parties, perused the case-diary also considering the facts and circumstances of the case, in view of this court it is a fit case to grant anticipatory bail to the applicant. Accordingly, NEUTRAL CITATION NO. 2024:MPHC-IND:27830 3 MCRC-40095-2024 application for bail is allowed.

6. It is directed that in the event of arrest, applicant- CHANDERSINGH shall be released on bail upon his/her furnishing personal bond in the sum of Rs.50,000/- (Rupees fifty thousand Only) with one solvent surety in the like amount to the satisfaction of the Arresting Officer/ Trial Court / Competent Court for his/her appearance before the Trial Court on all dates and for complying with the conditions enumerated in sub-section (2) of Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

7. M.Cr.C. stands disposed of, accordingly.

Certified copy, as per Rules.

(PRAKASH CHANDRA GUPTA) JUDGE ajit