

Jaggu @ Jagmohan vs The State Of Madhya Pradesh on 20 June, 2023

Author: Anuradha Shukla

Bench: Anuradha Shukla

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IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR
BEFORE
HON'BLE SMT. JUSTICE ANURADHA SHUKLA
ON THE 20th OF JUNE, 2023
MISC. CRIMINAL CASE No. 18986 of 2023

BETWEEN: -
JAGGU @ JAGMOHAN S/O SHRI GHANSHYAM
VISHWAKARMA, AGED ABOUT 32 YEARS,
OCCUPATION: LABOUR, R/O VILLAGE OF SALATH, P.S.
CHARKHARI, DISTRICT MAHOBA (UTTAR PRADESH)

(BY SHRI B.J. CHOURASIYA - ADVOCATE)

AND

1. THE STATE OF MADHYA PRADESH P.S. ORCHHA
ROAD, DISTRICT CHHATARPUR (MADHYA
PRADESH)
2. "VICTIM X" THROUGH POLICE STATION
ORCHHA ROAD, DISTRICT CHHATARPUR
(MADHYA PRADESH)

(BY SHRI DHARMESH CHATURVEDI - PANEL LAWYER)

This application coming on for admission this day, the
following:

ORDER

This is first application filed by the applicant under Section 439 of the Code of Criminal Procedure for grant of regular bail relating to FIR/Crime No.317/2022 dated 28.11.2022 registered at Police Station- Orchha Road, District- Chhatarpur, for the offence punishable under Sections 363, 370, 372, 373, 376, 376(3), 376(2)(n) of the Indian Penal Code and Section 5L/6 of the Protection of Children from Sexual Offences Act, 2012.

Learned counsel for the applicant submits that the applicant is in custody since 04.02.2023. The

applicant is innocent and has falsely been implicated in the case. He further submits that the prosecutrix and her parents have been examined before the trial Court and they have turned hostile, did not support the prosecution story. He submits that the applicant undertakes to cooperate in trial as well as investigation and would make himself available as and when required. Trial will take considerable time to conclude. Upon these submissions, learned counsel prays that the applicant may be released on bail.

On the contrary, learned Panel Lawyer for the respondent/State opposes the bail application.

I have heard learned counsel for the parties and perused the case-diary. According to the prosecution case, 16 years old prosecutrix was missing on 11.09.2022 and recovered on 02.02.2023. In this period of almost 5 months, she was not only sexually abused but also allegedly sold by persons involved in the crime. According to the school record, date of birth of the prosecutrix was 20.08.2007 and in her statements recorded under Section 164 of Cr.P.C., she has very clearly stated about the act of present applicant.

Looking to the nature of crime committed by the applicant, this Court is not inclined to release the applicant on bail.

Accordingly, the bail application stands rejected.

(ANURADHA SHUKLA) JUDGE Prachi