

IN THE HIGH COURT OF MADHYA PRADESH AT JABALPUR
BEFORE
HON'BLE SHRI JUSTICE VIVEK AGARWAL
ON THE 10th OF MARCH, 2022

MISC. CRIMINAL CASE No. 11583 of 2022

Between:-

**AAKASH VERMA S/O LATE MISHRILAL VERMA,
 AGED ABOUT 26 YEARS, OCCUPATION: LABOUR
 R/O MATAPURA CHOWK, RAHATGAON, TEHSIL
 RAHATGAON, DISTRICT HARD A (M.P.) (MADHYA
 PRADESH)**

.....PETITIONER

(BY SHRI RAVI NANDAN DWIVEDI, ADVOCATE)

AND

- 1. THE STATE OF MADHYA PRADESH THROUGH
 POLICE STATION MAHILA DISTRICT HARD A M.P.
 (MADHYA PRADESH)**
- 2. VICTIM A D/O NOT KNOWN OCCUPATION: NIL
 NOT MENTION (MADHYA PRADESH)**

.....RESPONDENTS

(BY SHRI ARVIND SINGH, GOVERNMENT ADVOCATE)

*This application is taken up for hearing and the Court has passed the
 following:*

ORDER

This is first application filed under Section 439 of the Code of Criminal Procedure, 1973 (for brevity "Cr.P.C") for grant of bail to the applicant, who is in custody since 17.12.2021 in connection with Crime No.63/2021 registered at Police Station Arakshi Kendra Mahila, District Harda for the offence punishable under Sections 342, 506, 376(2)(N) of the Indian Penal Code 1860 (for brevity "I.P.C") & Section 5(L)/6 of the Protection of Children From Sexual Offences Act, 2012 (for brevity "POCSO Act").

Learned counsel for the applicant submits that applicant is innocent. He is in custody since 17.12.2021. The incident took place on 5.12.2020. F.I.R. was lodged on 20.11.2021. There is delay of about one year in lodging of the F.I.R. There is no medical evidence available against the

present. It is alleged that the love marriage of the applicant's younger brother was performed with the elder sister of the prosecutrix as a result of which, the present applicant has been falsely implicated in this case. Trial will take time for its conclusion. Hence, prayer is made to enlarge the applicant on bail.

Learned Government Advocate for the non-applicant/State opposes the application.

After hearing counsel for the parties and considering other facts & circumstances of the case, this Court is of the considered opinion that it is a fit case for grant of bail to the applicant. Hence, without commenting anything on merits of the matter, this application is allowed.

It is directed that applicant Aakash Verma S/o. Late Shri Mishrilal Verma shall be released on bail on his furnishing a personal bond in sum of Rs.50,000/- (Rupees Fifty Thousand Only) with two solvent sureties of the like amount each to the satisfaction of the Trial Court for his appearance before the Court on the dates given by the concerned Court during pendency of trial. It is further directed that the applicant shall comply with the provisions of Section 437(3) of the Cr. P. C.

This order shall be effective till the end of the trial, however, in case of bail jump and breach of any of the pre-condition of bail, it shall become ineffective.

In view of the outbreak of new mutant Omicron of COVID-19, the jail authorities and the State Government are directed to follow the guidelines issued by the Health Ministry in the wake of Novel Corona Virus before and after releasing the applicant.

Certified copy as per rules.

(VIVEK AGARWAL)
JUDGE

