

IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE VISHAL DHAGAT

ON THE 18th OF DECEMBER, 2023

MISC. CRIMINAL CASE No. 54721 of 2023

BETWEEN:-

PANKAJ S/O SHRI SANJAY PRAJAPATI OCCUPATION:
LABOUR R/O KALKHEDI, P.S. KOTWALI, DISTRICT
HARDA, MADHYA PRADESH.

....APPLICANT

(BY SHRI AMITABH GUPTA - ADVOCATE)

AND

1. THE STATE OF MADHYA PRADESH THROUGH
POLICE STATION HONDIYA, DISTRICT HARDA,
MADHYA PRADESH.
2. PROSECUTRIX IN CRIME NO. 100/22 POLICE
STATION HONDIYA, DISTRICT HARDA, MADHYA
PRADESH.

....RESPONDENTS

(BY SHRI RAMAN CHOUBEY - ADVOCATE FOR THE OBJECTOR)
*(BY SHRI D.K. PAROHA - GOVERNMENT ADVOCATE FOR THE
RESPONDENT/STATE)*

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

ORDER

This is second bail application filed under Section 439 of Cr.P.C. on behalf of applicant who is in jail since 04.10.2022 in connection with Crime No.234/2022, registered at Police Station Hondiya, District Harda, M.P. for the offences punishable under Sections 363, 506, 376 (2) (N) and 366 of I.P.C. and 5(L)/6 of POCSO Act.

2. Learned counsel appearing for the applicant submitted that prosecutrix

is aged more than 17 years. She was consenting party. Prosecutrix has also been examined in the Court. Applicant is a young man aged about 24 years. Now there is no possibility of influencing the witnesses of the case. In these circumstances, applicant may be enlarged on bail.

3. Learned Govt. Advocate appearing for the State as well as learned counsel appearing for the Objector have opposed the bail application for grant of bail.

4. Heard learned counsel for the parties.

5. Considering the fact that material witnesses in the case have been examined and applicant is in jail since 04.10.2022 since last more than one year, bail application filed by the applicant is **allowed**.

6. It is directed that the applicant shall be released on bail on his 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 trial court.

7. In addition to aforesaid condition, the applicant shall abide by the conditions enumerated in Section 437(3) of Cr.P.C.

8. Learned counsel for the applicant also draws attention of this Court towards Section 43 of POCSO Act 2012, wherein it has been laid down that Central Govt. and State Govt. shall take measures to give publicity to the provisions of this Act so that young persons may have knowledge about the Act and stringent measures are to be taken against them, if they are found involved in offences under this Act. It is submitted that no such action is being taken. Government may be directed to comply with Section 43 of POCSO Act, 2012.

9. Government Advocate appearing for State is directed to bring Section 43 into the notice of State Govt. so that appropriate action be taken by the State Govt. for compliance of Section 43 of POCSO Act. Copy of order be supplied.

10. A typed copy of the order be supplied to Government Advocate for compliance.

11. C.C. as per Rules.

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(VISHAL DHAGAT)
JUDGE