

**IN THE HIGH COURT OF MADHYA PRADESH
AT GWALIOR
MCRC No. 29392 of 2024
(NOORA SHAH VS. STATE OF MADHYA PRADESH)**

Dated: 20-07-2024

Appearance:

Ms. Smashti Singh- Advocate for applicant

Shri Alok Sharma- Public Prosecutor for respondent- State.

ORDER

Complainant (father of victim) is present in person. He has filed an affidavit in shape of Document No.85 of 2024. Same is taken on record.

This **first** application has been filed by applicant under Section 483 of the Bhartiya Nagrik Suraksha Sanhita 2023 for grant of bail in connection with Crime No.451 of 2024 registered at Police Station Bahodapur, District Gwalior (M.P.), for offence punishable under Section 363 of IPC and enhanced Sections 366, 376(2)(n) of IPC and Section 5/6 of POCSO Act. Applicant is in judicial custody since 28-06-2024.

As per the case of prosecution, father of victim, reported to PS Bahodapur that his daughter, aged around 17 years and 11 months, is missing since afternoon of 21-06-2024. He suspects that Noora Shah (applicant) has enticed and taken his daughter. On such allegations, PS Bahodapur registered FIR at Crime No.451 of 2024 for offence punishable under Section 363 of IPC against unknown person. Victim appeared before PS Bahodapur on 25-06-2024. In her statement recorded under Section 161 of CrPC, the victim stated that she got friendly with one Noor Mohammed (applicant). They used to communicate on mobile phone. Noor Mohammed promised to marry her and had physical relation with her. Her parents were planning to marry her elsewhere, therefore, she called Noor

Mohammed and went to Jaipur with him by bus, They stayed in a rented room at Jaipur. She got pregnant. Mother of Noor Mohammed came Jaipur and brought her back to PS Bahodapur. In her statement recorded under Section 164 of CrPC, the victim stated that she went to Jaipur with a boy. She got pregnant. She desires to marry that boy. There is no one to look after her. He be released from jail. Prosecution for offence under Sections 366, 376(2)(n) of IPC and Section 5/6 of POCSO Act was added. Investigation is almost complete.

Learned Counsel for the applicant, in addition to the grounds mentioned in the application, submits that applicant is falsely implicated in this matter under pressure of the family members of the victim. It is a case of romantic relationship between two young persons. The victim has also attained majority. Victim has left her parental home at her own. Presently, she is residing with family of applicant. Learned Counsel referring to the affidavit of father of victim, submits that the father of the victim has also stated that the victim is in care of family of the applicant. Learned counsel further submits that applicant is aged around 22 years. He is labourer by profession. There is no likelihood of absconsion leaving his home, family and profession. No criminal antecedent is reported against him. There is no likelihood of tampering with the evidence as both the parties relate to same socio-economic status. Trial would take time to conclude. Therefore, applicant may be extended the benefit of bail.

Per contra, learned Counsel for the State opposes the bail application on the ground of gravity of alleged offence and prays for its rejection.

Heard learned counsel for the parties and perused the case diary.

Considering the arguments advanced by both the parties and overall circumstances of the case, but without commenting on merits of the case, this Court is inclined to release the applicant on bail. Thus, the application

is allowed.

Accordingly, it is directed that **applicant- Noora Shah** shall be released on bail in relation to Crime No.451 of 2024 registered at Police Station Bahodapur, District Gwalior (M.P.), for offence punishable under Section 363 of IPC and enhanced Sections 366, 376(2)(n) of IPC and Section 5/6 of POCSO Act, upon furnishing a personal bond in the sum of **Rs.50,000/- (Rupees Fifty Thousand Only)** with one solvent surety of the same amount to the satisfaction of the Trial Court, for compliance with the following conditions,;(For convenience of understanding by accused and surety, the conditions of bail are also reproduced in Hindi as under):-

(1) Applicant shall remain present on every date of hearing as may be directed by the concerned court;

(2) Applicant shall not commit or get involved in any offence of similar nature;

(3) Applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them/him/her from disclosing such facts to the Court or to the police officer;

(4) Applicant shall not directly or indirectly attempt to tamper with the evidence or allure, pressurize or threaten the witness;

(5) During trial, the applicant shall ensure due compliance of provisions of Section 309 of Cr.P.C. regarding examination of witnesses in attendance;

This order shall be effective till the end of trial. However, in case of breach of any of the precondition of bail, the Trial Court may consider on merit cancellation of bail without any impediment of this order.

The trial Court shall get these conditions reproduced on the personal bond by the accused and on surety bond by the surety concerned. If any of them is unable to write, the scribe shall certify that he had explained the conditions to the concerned accused or the surety.

C.C. as per rules.

**(SANJEEV S. KALGAONKAR)
JUDGE**