

The High Court Of Madhya Pradesh

MCRC-7618-2020

(VANSHDHARI KOL Vs THE STATE OF MADHYA PRADESH AND OTHERS)

Jabalpur, Dated : 28-08-2020

Heard through Video Conferencing.

Shri Vikas Mishra, learned counsel for the applicant.

Shri Jagat Singh, learned Panel Lawyer for the respondent/State.

On account of the prevailing conditions worldwide, brought about by the COVID 19 virus, this application has been heard and decided through video conferencing, to maintain social distancing. The necessary parties have effectively been represented by their respective counsels through video conferencing.

This is the first bail application filed by the applicant under Section 439 of the Cr.P.C. for grant of bail. The applicant is in custody since 11.11.2019 in connection with Crime No. 326/2019 registered at P.S. Govindgarh, District Rewa (M.P.) for the offences punishable under Sections 376 (2)(j), 376 (2)(i), 376 (2)(n) of IPC and section 5/6 of POCSO Act.

It is alleged that the applicant has sexually exploited a 13-15 years old child, who is mentally challenged.

Learned counsel for the State submits that as per the statement of mother of the prosecutrix, the applicant has sexually assaulted her.

Counsel for the applicant submits that as per the MLC report of the applicant, he is not capable of doing sexual intercourse.

Considering the medical report of the applicant that he is not medically fit and competent to perform sexual intercourse and taking into consideration the fact that the applicant is in jail since 11.11.2019, I am of the view that the applicant is entitled for bail. Accordingly the application filed by the applicant is hereby allowed. It is directed that applicant **Vanshdhari Kol** shall be released from custody upon furnishing a personal bond in the sum of **Rs.50,000/- (Rupees Fifty Thousand only)** with one surety of the like amount to the satisfaction of the learned court below.

The prison authorities are also requested to ensure compliance with the order passed by the Supreme Court In Writ Petition No.1/2020 and ensure that the applicant is examined by the jail doctor before his release. If the applicant shows symptoms of COVID-19, the doctor shall forthwith direct him to be produced before the appropriate hospital designated for the detection and treatment of COVID-19 patients. If the doctor is of the opinion that the applicant is not affected with the virus, the jail authorities shall ensure his transportation from the jail till his place of residence. With the above, the application is finally disposed of.

A typed copy of this order is being forwarded to the Office of the Advocate General and Shri Jagat Singh, learned Panel Lawyer on their respective email address for intimation to the Police Station concerned. The office is requested to forward a copy of this order to the learned court below.

Certified copy as per rules.

(VIJAY KUMAR SHUKLA)
JUDGE

RC

