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**IN THE HIGH COURT OF MADHYA PRADESH
AT GWALIOR**

**BEFORE
HON'BLE SMT. JUSTICE SUNITA YADAV
ON THE 8th OF JANUARY, 2024**

MISC. CRIMINAL CASE No. 300 of 2024

BETWEEN:-

**SONU SHARMA S/O SHRI VINOD SHARMA, AGED
ABOUT 27 YEARS, VILLAGE SPAD PS PHOOP DISTRICT
BHIND (MADHYA PRADESH)**

.....APPLICANT

**(SHRI VIVEK KUMAR MISHRA, LEARNED COUNSEL FOR THE
PETITIONER).**

AND

- 1. THE STATE OF MADHYA PRADESH INCHARGE
POLICE STATION PS MAHILA THANA, BHIND
(MADHYA PRADESH)**
- 2. MISS X PS. MAHILA THANA BHIND (MADHYA
PRADESH)**

.....RESPONDENTS

**(MS. ABHA MISHRA - P.P.- APPEARING ON BEHALF OF ADVOCATE
GENERAL).**

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

ORDER

This is the **first** application filed by the applicant under Section 439 of the Cr.P.C. for grant of bail relating to FIR No. 40 of 2023 registered at Police Station Mahila Thana, District Bhind (M.P.) for the offence under Sections 376, 457, 506, 323 of IPC and section 3/4 of POCSO Act.

Learned counsel for the applicant argued that applicant is an innocent person and has been falsely implicated. He further argued that applicant is the only

earning member of his family. It is further argued that entire prosecution story is highly improbable and suspicious because as per prosecution story before incident, the applicant gave mobile phone to the prosecutrix on 02/10/2023 and thereafter committed rape upon her on 03/10/2023 and the prosecutrix immediately after the incident informed her sister-in-law (Bhabi) as well as her mother, however, no FIR has been lodged by the prosecutrix or her family members even after knowing the alleged act of the applicant. Thereafter, FIR was lodged after delay of 28 days from the date of incident and no plausible explanation has been put forth by the prosecutrix in regard to delay in lodging FIR. Case is medically belied. The applicant has no criminal antecedents. The applicant is in custody since 31/10/2023. Investigation stands completed by filing of the charge sheet and further custodial interrogation of the applicant may not be required. The applicant is permanent resident of District Bhind. Conclusion of trial is likely to take time and there is no likelihood of his absconsion, if released on bail. On these grounds, he prays for grant of bail to the applicant.

Per contra, learned counsel for the State vehemently opposed the bail application and prayed for its dismissal.

Heard learned counsel for the rival parties and perused the case diary available on record.

Considering the facts and circumstances of the case, but without expressing any opinion on merits of the case, this application is allowed and it is directed that the applicant be released on bail on furnishing a personal bond in the sum of **Rs. 50,000/- (Rupees Fifty Thousand Only)** with **two local solvent sureties** in the like amount to the satisfaction of the trial Court.

This order will remain operative subject to compliance of the following

conditions by the applicant:-

- 1) The applicant will comply with all the terms and conditions of the bond executed by him;
- 2) The applicant will cooperate in the investigation/trial, as the case may be;
- 3) The applicant will not indulge himself in extending inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to the Police Officer, as the case may be;
- 4) The applicant will not commit any other offence or will not repeat the offence in future. In case, if he/she is found involving in the offence of the same nature, this bail order shall stand cancelled automatically without further reference to the Bench.
- 5) The applicant will not seek unnecessary adjournments during the trial; and
- 6) The applicant will not leave India without previous permission of the trial Court/Investigating Officer, as the case may be.

Learned State counsel is directed to send an e-copy of this order to the Station House Officer of the concerned Police Station for information and necessary action.

E- copy of this order be sent to the trial Court concerned for compliance, if possible, by the office of this Court.

Certified copy as per rules.

(SUNITA YADAV)
JUDGE

Durgekar