IN THE HIGH COURT OF MADHYA PRADESH AT GWALIOR

BEFORE

HON'BLE SMT. JUSTICE SUNITA YADAV

ON THE 1st OF FEBRUARY, 2024

MISC. CRIMINAL CASE No. 1523 of 2024

BETWEEN:-

FERAN SINGH SAKHBAR S/O SHRI RAGHUVANSHI, AGED ABOUT 39 YEARS, OCCUPATION: PRIVATE JOB RESIDENT OF VILLAGE KICHAUL POLICE STATION NAGRA DISTRICT MORENA AT PRESENT RESIDING AT HOUSE NO B-405 A-3 BLOCK -B RAJIV NAGAR BEGAMPUR SULTANPURI C-BLOCK NORTH WEST DELHI (DELHI)

.....APPLICANT

(BY MR. PRABAL PRATAP SINGH SOLANKI - ADVOCATE)

AND

THE STATE OF MADHYA PRADESH THROUGH POLICE STATION NAGRA DISTRICT MORENA (MADHYA PRADESH)

.....RESPONDENT/STATE

(MR. APS TOMAR - PUBLIC PROSECUTOR FOR RESPONDENT/STATE & MR. CHANDRANSH JHA - ADVOCATE FOR RESPONDENT/COMPLAINANT)

This application coming on for Admission 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. 165 of 2023 registered at Police Station Nagra, District Morena (M.P.) for the offence under Sections 376, 376(D), 456, 376(2)(cha) and 450 IPC. First bail application was dismissed as withdrawn vide order dated 27.12.2023 passed in M.Cr.C. No. 57019 of 2023.

Learned counsel for the applicant argued that the applicant is innocent

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and has been falsely implicated. Now investigation has already been concluded and charge-sheet has been filed on 15.12.2023. Further submission is that prosecution story in respect to present applicant is suspicious and improbable as the prosecutrix who is a major married woman even after having sexual assault by present applicant on 11.10.2023 has not been lodged the report until 16.10.2023. As per her statement she informed her husband on 12.10.2023, however, FIR has not been lodged on the next day. Further submission is that DNA report does not corroborative in respect to present applicant. It is further argued that the applicant is in custody since 18.1.2024. Hence, he prays for grant of bail to the applicant.

Per contra, learned counsel for the State as well as Counsel for the complainant 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 Twenty Five Thousand Only)** with one local solvent surety in the like amount to the satisfaction of the trial Court/committal 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

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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 shall not commit any other offence during pendency of the trial, failing which, 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.

7) The applicant shall not move in the vicinity of complainant/prosecutrix and shall not be a source of embarrassment or harassment to the complainant/prosecutrix party in any manner.

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

(LJ*)

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