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

**BEFORE
HON'BLE SMT. JUSTICE SUNITA YADAV
ON THE 25th OF JANUARY, 2024
MISC. CRIMINAL CASE No. 1969 of 2024**

BETWEEN:-

**JITENDRA AHIRWAR S/O SHRI DIMAN AHIRWAR,
AGED ABOUT 19 YEARS, VILLAGE LIDHORAKALAN P S
PIPRAI DISTRICT ASHOKNAGAR MP (MADHYA
PRADESH)**

.....APPLICANT

(BY SHRI VIVEK KUMAR VYAS - ADVOCATE)

AND

- 1. THE STATE OF MADHYA PRADESH INCHARGE
POLICE STATION THROUGH P S SEHRAI
DISTRICT ASHOKNAGAR MP (MADHYA
PRADESH)**
- 2. PROSECUTRIX THROUGH P.S. SEHRAI DIST.
ASHOKNAGAR (MADHYA PRADESH)**

.....RESPONDENTS

(BY SHRI P. TANWAR - PANEL LAWYER)

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

ORDER

This is **first** application filed by the applicant under Section 439 of the Cr.P.C. for grant of bail relating to Crime No. 180 of 2023 registered at Police Station Sehrai, District Ashoknagar (M.P.) for the offence under Sections 363, 366-A, 376(2)(N) of IPC & Sections 5L/6 of POCSO Act.

Learned counsel for the applicant argued that the applicant is innocent and has been falsely implicated. It is further argued that the prosecutrix in her

statement recorded u/S.164 of Cr.P.C. specifically stated that she left her house on her own volition. She wants to marry with present applicant/accused. Further submission is that she had not made any allegations about sexual assault on the applicant. It is further submitted that as per radiological report, the age of the prosecutrix is above 18 years. At the most, this is a case of consensual relationship. The applicant is in custody since 03.11.2023. The applicant is permanent resident of District Ashoknagar (M.P.) and there is no possibility of his absconding or tempering with prosecution case. On these grounds, he prays for grant of bail to the applicants.

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

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.25,000/- (Rupees Twenty Five Thousand Only) with one 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 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 an offence similar to the offence of which he/she is accused;

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

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