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**IN THE HIGH COURT OF MADHYA PRADESH
AT GWALIOR
BEFORE
HON'BLE SMT. JUSTICE SUNITA YADAV
ON THE 23rd OF JANUARY, 2024
MISC. CRIMINAL CASE No. 2158 of 2024**

BETWEEN:-

**LALIT SEN S/O SHRI BHAGWATI SEN, AGED ABOUT 22
YEARS, OCCUPATION: LABOUR VILLAGE TUNDAWEH
POLICE STATION KUMBHRAJ DISTRICT GUNA
(MADHYA PRADESH)**

.....APPLICANT

**(MR. DEEPENDRA SINGH RAGHUWANSHI - ADVOCATE FOR THE
APPLICANT)**

AND

- 1. THE STATE OF MADHYA PRADESH INCHARGE
POLICE STATION THROUGH POLICE STATION
KUMBHRAJ DISTRICT GUNA (MADHYA
PRADESH)**
- 2. PEEDITA THROUGH POLICE STATION KUMBHRAJ
DISTT GUNA (MADHYA PRADESH)**

.....RESPONDENTS

**(MR. DINESH SAVITA - PANEL LAWYER FOR RESPONDENT NO. 1 -
STATE)**

.....
*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.130 of 2023 registered at Police Station Kumbhraj, District Guna (M.P.) for the offence under Sections 363, 366 and 376 of IPC and Sections 3/4 and 11/12 of POCSO Act.

Learned counsel for the applicant argued that the applicant is innocent

and has been falsely implicated which is evident from the fact that the prosecutrix in her statements recorded under Sections 161 and 164 Cr.P.C. on 23.5.2023 just after her recovery on 22.5.2023 made no allegations about her abduction and sexual assault by the present applicant, however, after a delay of almost seven months, for the first time, in her supplementary statement recorded on 13.12.2023, she made allegations against the applicant - accused, however, in her statement recorded under Section 164 Cr.P.C. on 14.12.2023, she denied that applicant - accused abducted her. Under these circumstances, entire prosecution story becomes doubtful. Further argument is that applicant is in custody since 15.12.2023. After conclusion of investigation, charge-sheet has already been filed, therefore, there is no requirement of further custodial interrogation of the applicant. He is the permanent resident of District Guna (M.P.) and there is no possibility of his absconsion or tampering with the prosecution evidence. On these grounds, he prays for grant of bail to the applicant.

On the other hand, learned State counsel opposed the 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/her;
- 2) The applicant will cooperate in the investigation/trial, as the case may be;
- 3) The applicant will not indulge himself/herself 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 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;
- 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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