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. 2402 of 2024

BETWEEN:-

DEEPAK BHADORIYA S/O SHRI SHIROMANI SINGH, AGED ABOUT 29 YEARS, OCCUPATION: LABOUR, R/O VILLAGE MANHAD DISTRICT BHIND DISTRICT GWALIOR (MADHYA PRADESH)

.....APPLICANT

(BY MR. YASH SHARMA - ADVOCATE)

AND

THE STATE OF MADHYA PRADESH THROUGH POLICE STATION MAHARAJPURA DISTRICT GWALIOR (MADHYA PRADESH)

.....RESPONDENTS

(BY MR. RAJEEV UPADHYAY - PUBLIC PROSECUTOR)

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 Crime No. 993 of 2023 registered at Police Station Maharajpura, District Gwalior (M.P.) for the offence under Sections 376(2)(n) and 506 of IPC.

Learned counsel for the applicant/accused argued that the applicant is innocent and has been falsely implicated. Further submission is that the prosecution story is highly improbable and suspicious in light of the fact that the incident occurred on 11.11.2023, however, the prosecutrix who is married

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major woman did not inform to anyone or lodge the report until 02.12.2023 for almost a month, for which no plausible explanation has been given. Further submission is that present FIR is the outcome of some dispute over financial transaction which is evident from the statement of the prosecutrix who stated that she handed over the blank cheque to present applicant and thereafter, incident was occurred. The applicant is in custody since 19.12.2023. He is not having any criminal history and he is permanent resident of District Gwalior (M.P.). There is no possibility of his absconsion or tampering with the prosecution evidence. Hence, he prays for grant of bail to the applicant.

P e r contra, learned Public Prosecutor for the respondent/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 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

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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; and

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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