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

**BEFORE
HON'BLE SMT. JUSTICE SUNITA YADAV
ON THE 29th OF JANUARY, 2024**

MISC. CRIMINAL CASE No. 2596 of 2024

BETWEEN:-

**ASHOK SINGH KUSHWAH (RAJAWAT) S/O LATE SHRI
VISHWANAH SINGH KUSHWAH, AGED ABOUT 58
YEARS, R/O NARAYAN VIHAR COLONY GOLE KA
MANDIR, DISTRICT GWALIOR (MADHYA PRADESH)**

.....APPLICANT

**(SHRI R.K. SHARMA - LEARNED SENIOR COUNSEL WITH SHRI SANJAY
GUPTA - ADVOCATE)**

AND

- 1. THE STATE OF MADHYA PRADESH THROUGH
POLICE STATION GOLE KA MANDIR, DISTRICT
GWALIOR (MADHYA PRADESH)**
- 2. PROECUTRIX GOLE KA MANDIR, DISTRICT
GWALIOR (MADHYA PRADESH)**

.....RESPONDENTS

**(SHRI GIRRAJ SONI - PANEL LAWYER AND SHRI VIRENDRA SINGH PAL
AND KIRAN KUMAR - ADVOCATE FOR THE RESPONDENT [COMP].)**

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

ORDER

This is **Second** application filed under Section 439 of Cr.P.C for grant of bail to the applicant in connection with Crime No. 627 of 2023 registered at Police Station Gole Ka Mandir, District Gwalior (M.P.) for the offence punishable under Sections 147, 148, 149, 294, 452, 323, 342, 336, 506, 365, 354, 395, 397 of IPC & Sections 11/13 of MPDVPK Act. First application was dismissed as withdrawn vide order dated 20.11.2023 passed in MCRC

No.51023/2023 with liberty to renew the prayer after filing of charge-sheet.

Learned counsel for the applicant argued that the applicant is innocent and has been falsely implicated. It is further submitted that the applicant is in custody since 31.10.2023. After conclusion of investigation, charge-sheet has been filed, therefore, further custodial interrogation is no more required. Further submission is that in the statement recorded u/S.164 of Cr.P.C. both the victims have not attributed any role on applicant/accused to snatch the chain or sexual assault on them. The applicant has no criminal antecedents and he is permanent resident of District Gwalior (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 as well as counsel for the complainant have vehemently opposed the bail application in the wake of gravity of offence and prayed for rejection of present bail application.

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 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.

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

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