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. 3798 of 2024

BETWEEN:-

SUNIL KUMAR S/O SRI RAMNARESH JATAV, AGED ABOUT 25 YEARS, OCCUPATION: AGRICULTURIST, R/O VILLAGE TUKEDA THANA MALANPUR DISTRICT BHIND (MADHYA PRADESH)

.....APPLICANT

(BY SHRI AYUSH SAXENA - ADVOCATE)

AND

1. **THE STATE OF MADHYA PRADESH THROUGH POLICE STATION GORMI DISTRICT BHIND (MADHYA PRADESH)**

2. **ABHIYOKTRI THROUGH POLICE THANA GORMI DISTRICT BHIND (MADHYA PRADESH)**

.....RESPONDENTS

(BY MS. ANKITA MATHUR - PUBLIC PROSECUTOR)

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. 187 of 2023 registered at Police Station Gormi, District Bhind (M.P.) for the offence under Sections 363, 376, 376(2)(n) of IPC & Sections 5/6 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

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statement recorded u/S.164 of Cr.P.C. has not made allegation about her abduction, on the contrary, she left her house on her own will. It is further argued that prosecutrix further stated that she visited many places with applicant/accused and they finally reached Delhi by public transport and stayed there for almost nine days, however, this is no evidence that she ever tried to raise alram or escape. The applicant is i n custody since 11.01.2024. Investigation in the matter is over by filing of charge-sheet, therefore, custodial interrogation is no more required. The applicant has no criminal antecedents and he is permanent resident of District Bhind (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;

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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

vpn

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