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

**BEFORE
HON'BLE SMT. JUSTICE SUNITA YADAV
ON THE 5th OF JANUARY, 2024
MISC. CRIMINAL CASE No. 43218 of 2023**

BETWEEN:-

**AJAY JATAV S/O SHRI RAVI JATAV, AGED ABOUT 22
YEARS, GRAM PARSOTA POLICE THANA JAURA
DISTRICT MORENA (MADHYA PRADESH)**

.....APPLICANT

(BY SHRI NAROTTAM SHARMA - ADVOCATE)

AND

**THE STATE OF MADHYA PRADESH THROUGH POLICE
THANA JOURA DISTRICT MORENA (MADHYA
PRADESH)**

.....RESPONDENT

**(SHRI DINESH SAVITA - PANEL LAWYER FOR THE STATE AND SHRI
ANAND SINGH SIKARWAR - ADVOCATE FOR THE COMPLAINANT)**
.....

*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. 485 of 2023 registered at Police Station Jaura, District Morena (M.P.) for the offence under Sections 305, 376, 450 of IPC and Sections 3/4 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 body of deceased was found in her room which was bolted from inside. Further argument is that the injury was found on her body and the body was inside the house of her

parents for which her parents are liable. There is no evidence that the applicant instigated the deceased to commit suicide. It is further argued that the DNA report is not corroborative. The applicant is in custody since 20.08.2023. After conclusion of investigation, charge-sheet has been filed, therefore, further custodial interrogation is no more required. The applicant has no criminal antecedents and he is permanent resident of District Morena (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 applicant.

Per contra, learned counsel for the State as well as counsel for the complainant have 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.100,000/- (Rupees One Lakh Only) with two solvent sureties** 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.

vpn

(SUNITA YADAV)
JUDGE