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**IN THE HIGH COURT OF MADHYA
PRADESH
AT GWALIOR
BEFORE
HON'BLE SHRI JUSTICE SANJEEV S KALGAONKAR
ON THE 22nd OF JANUARY, 2024
MISCELLANEOUS CRIMINAL CASE No. 46866 of 2023**

BETWEEN:-

**VEERU MEENA S/O KALURAM MEENA, AGED
ABOUT 32 YEARS, RESIDENT OF GRAM
BALABARKHEDA POLICE CHOWKI KHAMKHEDA
POLICE THANA KARARIYA DISTRICT VIDISHA
(MADHYA PRADESH)**

.....APPLICANT

(SHRI RAVI RAHUL - ADVOCATE FOR THE APPLICANT)

AND

- 1. THE STATE OF MADHYA PRADESH
INCHARGE POLICE STATION THROUGH
POLICE THANA KARARIYA DISTRICT
VIDISHA (MADHYA PRADESH)**
- 2. PROSECUTRIX THROUGH POLICE THANA
KARARIYA DISTRICT VIDISHA (MADHYA
PRADESH)**

.....RESPONDENT

**(SHRI R.K. AWASTHI - PUBLIC PROSECUTOR FOR THE
RESPONDENT-STATE)**

.....

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

ORDER

This second bail application has been filed by applicant under Section 439 of the Code of Criminal Procedure, 1973 for grant of bail in connection with Crime No.189/2023 registered at Police Station Karariya,

District Vidisha (M.P.) for offence punishable under Sections 452, 376, 376(2)(n) of the IPC, Section 3/4 of the POCSO Act and Sections 3(i)(w) (ii), 3(2)(v) and 3(2)(va) of the SC/ST Act. The applicant is in judicial custody since 04/08/2023. Earlier first bail application was dismissed as withdrawn vide order dated 19/09/2023 passed in M.Cr.C. No. 37858/2023.

As per the case of prosecution, victim, aged around 17 years and two months reported to SHO, Women Police Station, Vidisha that on 02/08/2023 around 11.30 in the morning, she was alone at her home. Veeru Meena (applicant) entered her house and closed the door. Veeru Meena committed rape on her and fled away. She was weeping. Her mother enquired from her. She narrated the incident to her mother. Thereafter, she has come to lodge the report alongwith her mother. On such allegations, Police Station Karariya, District Vidisha (M.P.) registered FIR at Crime No. 189/2023 for the offence punishable under Sections 452, 376, 376(2)(n) of the IPC, Section 3/4 of the POCSO Act and Sections 3(1)(w)(ii), 3(2)(v) and 3(2)(va) of the SC/ST Act. Victim was forwarded for medico-legal examination. Statements of victim under Section 161 and 164 of the Cr.P.C were recorded. Applicant was arrested on 04/08/2023, he is in custody ever since. Source samples of DNA were collected. On completion of investigation, final report was submitted on 04/09/2023.

Learned Counsel for the applicant, in addition to the grounds mentioned in the application, submits that applicant has falsely been implicated in this matter due to previous animosity between the family

members. Learned counsel referring to DNA report dated 15/01/2024 submits that DNA profile taken from source material of victim does not match with DNA profile taken from source material of applicant. It shows that applicant has falsely been implicated in this matter. Applicant is an agriculturist and resident of Village Balabarkheda, District Vidisha (M.P.). There is no likelihood of his absconsion leaving his family, home and agricultural field. No criminal antecedent is reported against the applicant. There is no likelihood of tampering with the evidence by the applicant, as both the parties belong to same socio-economic status. Trial would take time to conclude. Therefore, applicant may be extended the benefit of bail.

Per contra, learned Counsel for the State opposes the bail application on the ground of gravity of alleged offence.

Heard learned counsel for the parties and perused the case diary.

Considering the arguments advanced by both the parties and overall circumstances of the case, but without commenting on merits of the case, this Court is inclined to release the applicant on bail. Thus, the application is allowed.

Accordingly, it is directed that **applicant VEERU MEENA** shall be released on bail in relation to Crime No.189/2023 registered at Police Station Karariya, District Vidisha (M.P.) for offence punishable under Sections 452, 376, 376(2)(n) of the IPC, Section 3/4 of the POCSO Act and Sections 3(i)(w)(ii), 3(2)(v) and 3(2)(va) of the SC/ST Act, upon furnishing a personal bond in the sum of **Rs. 50,000/- (Rs. Fifty Thousand Only)** with one solvent surety of the same amount to the

satisfaction of the Trial Court, for compliance with the following conditions, : **(For the sake of convenience of understanding by accused and surety, the conditions of bail are also reproduced in Hindi as under):-**

(1) Applicant shall remain present on every date of hearing as may be directed by the concerned court;

(1) आवेदक संबंधित न्यायालय के निर्देशानुसार सुनवाई की प्रत्येक तिथि पर उपस्थित रहेगा।

(2) Applicant shall not commit or get involved in any offence of similar nature;

(2) आवेदक समान प्रकृति का कोई अपराध नहीं करेगा या उसमें सम्मिलित नहीं होगा।

(3) Applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them/him/her from disclosing such facts to the Court or to the police officer;

(3) आवेदक प्रकरण के तथ्यों से परिचित किसी व्यक्ति को प्रत्यक्ष या अप्रत्यक्ष रूप से प्रलोभन, धमकी या वचन नहीं देगा, जिससे ऐसा व्यक्ति ऐसे तथ्यों को न्यायालय या पुलिस अधिकारी को प्रकट करने से निवारित हो।

(4) Applicant shall not directly or indirectly attempt to temper with the evidence or allure, pressurize or threaten the witness;

(4) आवेदक प्रत्यक्ष या अप्रत्यक्ष रूप से साक्ष्य के साथ छेड़छाड़ करने का या साक्षी या साक्षियों को बहलाने—फुसलाने, दबाव डालने या धमकाने का प्रयास नहीं करेगा।

(5) During trial, the applicant shall ensure due compliance of provisions of Section 309 of Cr.P.C. regarding examination of witnesses

in attendance;

(5) विचारण के दौरान, उपस्थित गवाहों से परीक्षण के संबंध में आवेदक धारा 309 दं.प्र. सं. के प्रावधानों का उचित अनुपालन सुनिश्चित करेगा।

This order shall be effective till the end of trial. However, in case of breach of any of the precondition of bail, the Trial Court may consider on merit cancellation of bail without any impediment of this order.

The trial Court shall get these conditions reproduced on the personal bond by the accused and on surety bond by the surety concerned, if any of them is unable to write, the scribe shall certify that he had explained the conditions to the concerned accused or the surety.

C.C. as per rules.

(SANJEEV S KALGAONKAR)
JUDGE

Prachi