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

**BEFORE
HON'BLE SMT. JUSTICE SUNITA YADAV**

ON THE 2nd OF JANUARY, 2024

MISC. CRIMINAL CASE No. 57322 of 2023

BETWEEN:-

**SURAJ SAMADHIYA S/O SHRI RATTILAL SAMADHIYA,
AGED ABOUT 24 YEARS, OCCUPATION: LABOUR
RAJPURA POLICE STATION GOHAD DISTRICT BHIND
MP (MADHYA PRADESH)**

.....APPLICANT

(BY MR. NAVAL KISHOR GUPTA - ADVOCATE)

AND

- 1. THE STATE OF MADHYA PRADESH INCHARGE
POLICE STATION THROUGH POLICE STATION
GOHAD DISTRICT BHIND MP (MADHYA
PRADESH)**
- 2. PROSECUTRIX X THROUGH POLICE STATION
GOHAD DIST. BHIND (MADHYA PRADESH)**

.....RESPONDENTS

**(MR. RAJEEV UPADYYAY - PUBLIC PROSECUTOR FOR RESPONDENT NO.
1 - STATE)**

.....
*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 CrPC for grant of bail relating to FIR No. 332 of 2023 registered at Police Station Gohad, District Bhind (M.P.) for the offence under Sections 363, 366, 376 (2) (n), 109, 366-A, 376 and 34 of IPC and Section 5/6 of POCSO Act.

Learned counsel for the applicant argued that applicant is innocent and has been falsely implicated. No role of sexual assault has been attributed to the

applicant. There are material variations in the statements of the prosecutrix recorded under Sections 161 and 164 CrPC. It is further argued that co-accused Ankush has already been granted bail by this Court by order dated 21.12.2023 passed in MCRC No.56183 of 2023. Further argument is that applicant is in custody since 07.12.2023. Applicant is having no criminal history and is the permanent resident of District Bhind (M.P.) and there is no possibility of his absconsion or tampering with the prosecution evidence. Hence, prayed for grant of bail to the applicant.

On the other hand, learned State counsel 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. 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;

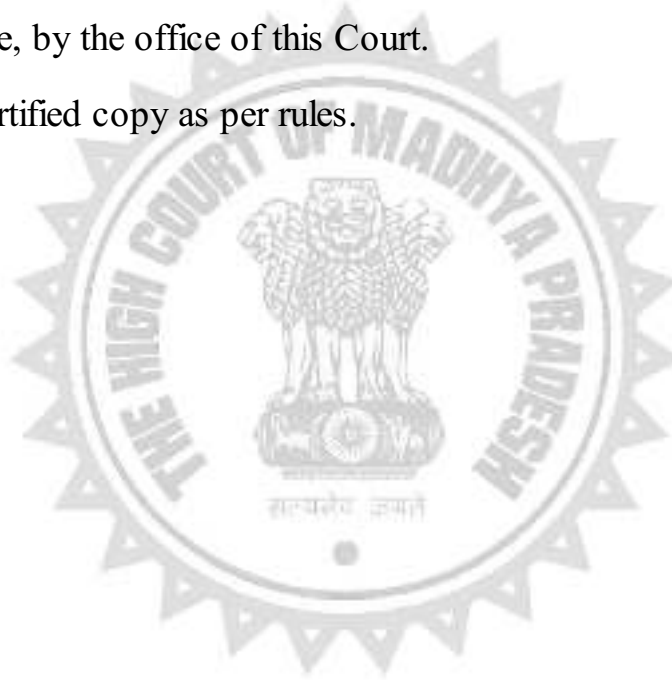
- 4) The applicant shall not commit an offence similar to the offence of which he/she is accused;
- 5) The applicant will not seek unnecessary adjournments during the trial; and
- 6) The applicant will not leave India without previous permission of the trial Court/Investigating Officer, as the case may be.

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.

AKS



(SUNITA YADAV)
JUDGE