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

**BEFORE
HON'BLE SMT. JUSTICE SUNITA YADAV
ON THE 11th OF JANUARY, 2024
MISC. CRIMINAL CASE No. 58017 of 2023**

BETWEEN:-

**PAWAN DHAKAD S/O SHRI RAGHUVEEER SINGH
DHAKAD, AGED 21 YEARS, R/O NAJUL COLONY GUNA
DISTRICT GUNA (MADHYA PRADESH)**

.....APPLICANT

(BY SHRI GIRISH KUMAR - ADVOCATE)

AND

- 1. THE STATE OF MADHYA PRADESH THROUGH
POLICE STATION KOTWALI DISTRICT GUNA
(MADHYA PRADESH)**
- 2. ABHIYOKTRI THROUGH POLICE STATION
KOTWALI GUNA, DISTRICT GUNA (MADHYA
PRADESH)**

.....RESPONDENTS

**(BY SHRI PRABHAT PATERIYA - DY. PUBLIC PROSECUTOR FOR
RESPONDENT NO.1/STATE)**

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

ORDER

I.A.No.777/2024, an application for taking document on record is taken up, considered and allowed for the reasons mentioned therein.

This is the **first** application filed by the applicant under Section 439 of the Cr.P.C. for grant of bail relating to Crime No.608 of 2023 registered at Police Station Kotwali Guna, District Guna (M.P.) for the offence under Sections 354, 341 of IPC and Section 7/8 of POCSO Act.

Learned counsel for the applicant/accused argued that the applicant is innocent and has been falsely implicated. After conclusion of investigation, charge sheet has already been file and prosecutrix and her mother have already been examined as PW-1 and PW-2 respectively. However, the prosecutrix and her mother have not supported the story of the prosecution and turned hostile. The applicant is in custody since 21.12.2023. He is permanent resident of District Guna (M.P.) and there is no possibility of his absconsion or tampering with the prosecution evidence. He shall abide by all the terms and conditions which may be imposed by this Court upon him. On these grounds, he prays for grant of bail to the applicant.

O n the other hand, learned DY. Public Prosecutor for the respondent/State vehemently opposed the 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.

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/her;
- 2) The applicant will cooperate in the investigation/trial, as the case may be;

3) The applicant will not indulge himself/herself 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 accusedh;

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

AK/-

