IN THE HIGH COURT OF MADHYA PRADESH AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE VISHAL DHAGAT

ON THE 8th OF JANUARY, 2024

MISC. CRIMINAL CASE No. 54881 of 2023

BETWEEN:-

SATYENDRA BHALAVI S/O DEVI SINGH BHALAVI, AGED ABOUT 21 YEARS, R/O VILLAE BELAGON, P.S. DUNDASEONI, DISTRICT SEONI (MADHYA PRADESH)

.....APPLICANT

(BY SHRI V.V.R. DANIEL - ADVOCATE)

AND

THE STATE OF MADHYA PRADESH THROUGH POLICE STATION KANHIWADA, DISTRICT SEONI (MADHYA PRADESH)

.....RESPONDENT

(BY SHRI SATYAPAL CHADHAR - GOVT. ADVOCATE)

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 Code of Criminal Procedure for grant of regular bail relating to FIR No.309/2021 registered at Police Station-Kanhiwada, District-Seoni (M.P.) for the offence under Sections 354, 376(2)(n) and 307 of IPC.

2. Learned counsel appearing for the applicant submitted that applicant is in jail since last two years. Prosecutrix was consenting party. As per prosecution story, applicant attempted to kill the prosecutrix, but thereafter prosecutrix again called applicant and went along with him for quite some time. No corresponding injury was found on the prosecutrix. In these circumstances,

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applicant be released on bail.

3. Learned Government Advocate appearing for the State opposed the application for grant of bail.

4. Heard the counsel for the parties.

5. Applicant is in jail since last two years. As per prosecution story itself, prosecutrix was consenting party. Pre MLC does not reflect that injury occurred on prosecutrix due to attempt to kill her. Only 3 inches long abrasion mark was found present on the neck, but no ligature mark was present.

6. Considering the long period of custody and fact that prosecutrix has been examined and now, there is no chances that applicant will threaten the witness, therefore, bail application filed by applicant is ***allowed.***

7. It is directed that the applicant shall be released on bail on furnishing personal bond of ***Rs.50,000/- (Rs. Fifty Thousand Only)*** with one solvent surety in the like amount to the satisfaction of the trial Court concerned for his regular appearance before Court on all such dates as may be fixed in this regard during pendency of trial.

8. The applicant shall also abide by the following conditions of Section 437 (3) of Cr. P. C. as under:-

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter;

(b) that such person shall not commit any offence similar to the offence of which he is accused, or suspected of the commission of which he is suspected and;

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case as to

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dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

9. C.C. as per rules.

(VISHAL DHAGAT)
JUDGE

sp/-

THE HIGH COURT OF MADHYA PRADESH
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