IN THE HIGH COURT OF MADHYA PRADESH AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE PRAMOD KUMAR AGRAWAL

ON THE 2nd OF FEBRUARY, 2024

MISC. CRIMINAL CASE No. 56888 of 2023

BETWEEN:-

JAGDISH DHAKAD URF HALKE S/O ALAM SINGH, AGED ABOUT 50 YEARS, OCCUPATION: LABOUR RESIDENT GRAM CHAWARA TEH AND THANA BARELI DISTRICT RAISEN (MADHYA PRADESH)

.....APPLICANT

(BY SHRI NARENDRA NIKHARE - ADVOCATE)

AND

THE STATE OF MADHYA PRADESH THROUGH POLICE STATION BARELI DISTRICT RAISEN (MADHYA PRADESH)

.....RESPONDENT

(BY SMT. SUNITA SOOD - PANEL LAWYER)

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

ORDER

This is the first bail application filed by the applicant under Section 439 of the Code of Criminal Procedure for grant of regular bail relating to Crime No.768/2023 registered at Police Station - Bareli, District Raisen (M.P.) for the offence punishable under Sections 450 and 376 of IPC. Applicant is in detention since 21.11.2023.

2. As per the prosecution story, prosecutrix lodged the report alleging that on 18.11.2023 at about 4:00 pm, when no one was present in the house, applicant came there and tied the prosecutrix forcibly, due to which she became

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unconscious. On the basis of aforesaid, Police registered the case against the present applicant under the aforesaid Sections.

3. Learned counsel for the applicant submitted that applicant is in jail since 21.11.2023. He has been falsely implicated. It is further submitted prosecutrix is a major lady having two children. It is further submitted prosecutrix in her 164 statement has not stated anything against the applicant. FSL report is also negative. Charge sheet has been filed. Therefore, it has been prayed that the applicant may be released on bail.

4. On the other hand, learned counsel for State has opposed the prayer for grant of bail to the applicant.

5. Having taken into consideration all the facts and circumstances of the case, but without commenting on merit of the case, I am inclined to release the applicant on bail. Consequently, bail application under Section 439 of the Code of Criminal Procedure for grant of bail filed on behalf of applicant, stands **allowed**.

6. It is directed that applicant be released on bail on his 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, for his regular appearance before the trial Court during trial with a condition that he shall remain present before the concerned Court on all the dates fixed by it during trial. He shall abide by all the conditions enumerated under Section 437(3) of Cr.P.C.

7. This order shall be effective till the end of the trial. However, in case of bail jump and breach of any of the conditions of bail, it shall become ineffective.

Certified copy as per rules.

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(PRAMOD KUMAR AGRAWAL)
JUDGE

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