

(2021) 05 MP CK 0139

Madhya Pradesh High Court (Gwalior Bench)

Case No: Miscellaneous Criminal Case No.23688 Of 2021

Baniya Rawat

APPELLANT

Vs

State Of M.P

RESPONDENT

Date of Decision: May 27, 2021

Acts Referred:

- Code Of Criminal Procedure, 1973 - Section 439
- Indian Penal Code, 1860 - Section 376D, 506II

Hon'ble Judges: Rajeev Kumar Shrivastava, J

Bench: Single Bench

Advocate: Prateek Kulshrestha, Purshottam Tanwar

Final Decision: Allowed

Judgement

Rajeev Kumar Shrivastava, J

This is first application under Section 439 of CrPC for grant of bail.

The applicant has been arrested on 11/12/2020 in connection with Crime No.92/2020 registered at Police Station Tentra, District Morena for offence under Sections 376-D and 506 (part-II) of IPC.

It is submitted by learned counsel for applicant Baniya Rawat that the applicant has not committed any offence. He has falsely been implicated. The

prosecutrix has been examined before the trial Court. She has not supported the prosecution story and has turned hostile. It is further submitted that

the applicant, who is aged around 18 years, is in custody since last more than five months and there is no possibility of conclusion of trial in near

future. Hence, prayed for grant of bail to the applicant.

Per contra, learned State counsel opposed the bail application and has submitted that the offence is of serious nature. Hence, prayed to reject the bail application.

Heard learned counsel for the rival parties and perused the materials available on record.

Considering the arguments advanced by learned counsel for the applicant as well as other facts and circumstances of the case, without commenting

on merits of the case, the application is allowed and it is hereby directed that the applicant shall be released on bail on his furnishing personal bond of

Rs. 1,00,000/- (Rupees One Lakh only) with one solvent surety in the like amount to the satisfaction of the Court concerned for his regular appearance before the Court concerned.

In view of COVID-19 pandemic, the Jail Authorities are directed that before releasing the applicant, his/her Corona Virus test shall be conducted and

if it is found negative, then the concerned local administration shall make necessary arrangements for sending the applicant to his/her house, and if the

test is found positive then the applicant shall be immediately sent to concerning hospital for her/his treatment as per medical norms. If the applicant is

fit for release and if he/she is in a position to make his/her personal arrangements, then he/she shall be released only after taking due travel permission

from local administration. After release, the applicant is further directed to strictly follow all the instructions which may be issued by the Central

Govt./State Govt. or Local Administration for combating the COVID- 19.If it is found that the applicant has violated any of the instructions (whether

general or specific) issued by the Central Govt./State Govt. or Local Administration, then this order shall automatically lose its effect, and the Local

Administration/Police Authorities shall immediately take him/her in custody and would send him/her to the same jail from where he/she was released.

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 herself/himself in extending inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them 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 of which he is accused;

5.The applicant will not move in the vicinity of complainant party and applicant will not seek unnecessary adjournments during the trial;

6. The applicant will not leave India without previous permission of the trial Court/Investigating Officer, as the case may be; and

7. The applicant will inform the SHO of concerned police station about his/her residential address in the said area and it would be the duty of the

Public Prosecutor to send E-copy of this order to SHO of concerned police station for information;

Application stands allowed and disposed of.

E- copy of this order be sent to the trial Court concerned for Compliance.

Certified copy/ e-copy as per rules/direction.