

(2022) 11 MP CK 0085

In the Madhya Pradesh High Court

Case No : Miscellaneous Petition No. 55355 Of 2022

Dev Pratap Singh Parmar

APPELLANT

Vs

State Of Madhya Pradesh

RESPONDENT

Date of Decision : 23-11-2022

Acts Referred:

Indian Penal Code, 1860 — Section 366A, 376D
Protection Of Children From Sexual Offences Act, 2012 — Section 5(g), 6
Code Of Criminal Procedure, 1973 — Section 439

Citation : (2022) 11 MP CK 0085

Hon'ble Judges : Anand Pathak, J

Bench : Single Bench

Advocate : Prashant Sharma, Lokendra Shrivastava

Final Decision : Allowed

Judgement

Anand Pathak, J

The applicant has filed this first bail application u/S.439 Cr.P.C for grant of bail.

Applicant has been arrested on 09.11.2022 by Police Station Huzrat Kotwali, District Gwalior (Madhya Pradesh) in connection with Crime No.179/2022 for the offence punishable under Sections 366-A, 376-D of IPC and Section 5(g)/6 of POCSO Act.

It is the submission of learned counsel for applicant that applicant is suffering confinement since 09.11.2022 and charge sheet has already been filed. It is the submission of learned counsel for applicant that his role has been referred in the allegation itself as the persons who were present when prosecutrix was taken by prime accused Arav Sharma @ Sandeep Sharma. His role does not travel beyond that, because allegations against him are not in respect of commission of offence of rape. No common intention was shared by applicant and co-accused in respect of commission of offence because prosecutrix was known to prime accused Arav Sharma @ Sandeep Sharma and they earlier shared acquaintances. Applicant

does not bear any criminal record and he is a man aged 20 years. A chance be given to him for course correction. Medical report belies allegations. Confinement amounts to pretrial detention. He undertakes to cooperate in investigation/trial and further undertakes not to be source of embarrassment or harassment the prosecutrix in any manner. Under these grounds, counsel for the applicant prayed for bail.

Learned counsel for the respondent/State opposed the prayer and prayed for rejection of the application.

Heard learned counsel for the parties at length and perused the documents appended thereto.

Considering the submissions advanced by learned counsel for the parties, this Court intends to allow the application. It is hereby directed that the applicant shall be released on bail, on his furnishing personal bond of Rs.50,000/- (Rupees Fifty Thousand Only) with two solvent sureties of the like amount to the satisfaction of 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;
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 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 is accused;
5. The 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;
7. The applicant shall not move in the vicinity of the prosecutrix and shall not be a source of harassment/embarrassment and shall not try to contact her by her family members through virtual mode or in person or through somebody else.

Application stands allowed and disposed of.

A copy of this order be sent to the trial Court concerned for compliance and information.

Certified copy as per rules.