

(2020) 03 MP CK 0015

In the Madhya Pradesh High Court

Case No : Miscellaneous Criminal Case No. 9770 Of 2020

Golu Adiwas

APPELLANT

Vs

State Of Madhya Pradesh And Others

RESPONDENT

Date of Decision : 03-03-2020

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 439
Indian Penal Code, 1860 — Section 363, 366, 376, 506
Protection Of Children From Sexual Offence Act, 2012 — Section 3, 4

Citation : (2020) 03 MP CK 0015

Hon'ble Judges : Anand Pathak, J

Bench : Single Bench

Advocate : Ashish Singh Jadon, Sushant Tiwari

Final Decision : Allowed

Judgement

This is fourth bail application under Section 439 of Cr.P.C. filed on behalf of the applicant, who is in custody since 23.03.2019 in connection with

Crime No.63/2019 registered at Police Station Myana, District Guna for the offence punishable under Sections 363, 366, 376, 506 of IPC and Section

3/ 4 of POCSO Act.

Applicant's earlier bail application was dismissed as withdrawn vide order dated 16.06.2019 passed in M.Cr.C. No.35415/2019.

It is the submission of the learned counsel for the applicant that a false case has been registered against the applicant. He is suffering confinement

since 23.03.2019, whereas court statements of prosecutrix and other prosecution witnesses are already held, therefore, chances of tempering with

witnesses/evidence is remote. Even the story of prosecution indicates an improbable event. At 1.00 am in night prosecutrix went to address nature's

call at a remote area instead of using the facility of toilet in her backyard. Confinement since 23.03.2019 amounts to pretrial detention. He undertakes

to cooperate in trial/investigation and to appear before the trial Court as and when required. He further undertakes that he would not be a source of

harassment and embarrassment to the complainant party and would not move in the vicinity of the complainant party. He further undertakes to do

some community service. On all these grounds, he prayed for bail.

Learned Public Prosecutor for the respondent/State opposed the prayer and prayed for its dismissal.

Heard the learned counsel for the parties and perused the case diary.

Considering the submission made by learned counsel for the parties as well as the fact that confinement amounts to pretrial detention, without

expressing any opinion on merits of the case, the application filed under Section 439 of Cr.P.C. is allowed. It is directed that applicant shall be released

on bail on furnishing a personal bond in the sum of Rs.50,000/- (Rupees Fifty Thousand Only) with one solvent surety of the like amount to the

satisfaction of the trial Court concerned for his regular appearance before the trial Court concerned on the dates fixed by the Court during the trial.

This order will remain operative subject to compliance of the following conditions by the applicant:-

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