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(2024) 03 MP CK 0058

In the Madhya Pradesh High Court

Case No : Miscellaneous Criminal Case No. 10723 Of 2024

Jasman @ Golu Ahirwar — APPELLANT

Vs

State Of Madhya Pradesh And Others — RESPONDENT

Date of Decision : 21-03-2024

Acts Referred:
Code Of Criminal Procedure, 1973 — Section 437(3), 439
Indian Penal Code, 1860 — Section 34, 342, 363, 366, 376(D)
Protection Of Children From Sexual Offences Act, 2012 — Section 3, 4, 5, 6

Citation : (2024) 03 MP CK 0058

Hon'ble Judges : Vishal Dhagat, J

Bench : Single Bench

Advocate : Rajiv Jain, B.K.Upadhyay

Final Decision : Allowed

Judgement

Vishal Dhagat, J

1. This is second bail application filed by applicant under Section 439 of Cr.P.C. for grant of regular bail relating to FIR No.52/2022 registered at Police Station-Gunga, District-Bhopal(MP) for the offence under Section 376(D), 363, 366, 342 of IPC 3/4 & 5/6 of POCSO Act.

2. Learned counsel appearing for the applicant submitted that co-accused persons was enlarged on bail vide order dated 04.03.2024 in M.Cr.C.No.56108/2023 on the grounds that he was in jail for a period of two years. Prosecutrix has been examined in Court and now there is no chances that said applicant will be able to influence the witnesses of the case. It is submitted that similar circumstances exists in this case. He is also in jail since 13.03.2022. In these circumstances, applicant may be released on bail.

3. Learned Government Advocate appearing for the State opposed the bail application. It is submitted that offence is serious in nature. Prosecutrix has been examined but she is not hostile.

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4. Heard learned counsel for the parties.

5. Co-accused is enlarged on bail. Applicant is young man aged about 21 years and he is in jail since last two years. Prosecutrix has been examined in Court and now there is no chances that applicant will be able to influence witness of the case. Case of applicant is on parity with co-accused person.

6. Considering the totality of facts and circumstances of the case, without commenting on the merits of the case, bail application filed by the applicant is allowed. It is directed that the applicant shall be released on bail on furnishing 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 concerned for his regular appearance before Court on all such dates as may be fixed in this regard during pendency of trial.

7. 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 she is accused, or suspected of the commission of which she 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 dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

8. Certified copy as per rules.

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