
(2020) 01 MP CK 0063

In the Madhya Pradesh High Court

Case No : Miscellaneous Criminal Case No. 903 Of 2020

Jeetu @ Jitendra Batham

APPELLANT

Vs

State Of Madhya Pradesh And Anr

RESPONDENT

Date of Decision : 20-01-2020

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 439

Indian Penal Code, 1860 — Section 363, 376, 506

Protection Of Children From Sexual Offence Act, 2012 — Section 3, 4

Citation : (2020) 01 MP CK 0063

Hon'ble Judges : Anand Pathak, J

Bench : Single Bench

Advocate : R.P. Gupta, Manoj Dwivedi

Final Decision : Allowed

Judgement

With consent heard finally.

The applicant has filed this second application under Section 439 of Cr.P.C for grant of bail, who has been arrested and is in custody since 17.10.2019 in connection with Crime No.476/2019 registered at Police Station, Dabra, District Gwalior, for the offence punishable under Sections 363, 376, 506 of IPC and Sections 3/4 of the POCSO Act. First application was dismissed as withdrawn.

It is the submission of learned counsel for the applicant that false case has been registered against him and he is suffering confinement since 17.10.2019, whereas charge-sheet has already been filed. It is a case of consent because allegations indicate an improbable event. Prosecutrix without raising any alarm moved with the applicant at such distant place. Prosecutrix is around 17 and half years old and practically she can protect her interest well. In absence of any criminal antecedents to his discredit, confinement amounts to pre- trial detention. He undertakes to cooperate in trial and would not be a source of embarrassment/harassment to the complainant party in any manner. Thus, prayed for bail.

Learned Public Prosecutor for the State opposed the prayer and prayed for dismissal of the application.

Considering the submissions advanced, looking to the facts and circumstances of the case, but without commenting on the merits of the case, the application is allowed. It is directed that the applicant shall be released on bail on his furnishing 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 Trial Court concerned.

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 will not commit an offence similar to the offence of which he is accused;
5. The applicant will not seek unnecessary adjournments during the trial; and
6. The applicant will not leave India without previous permission of the trial Court/Investigating Officer, as the case may be.
7. The applicant will not move in the vicinity of prosecutrix and would also not be a source of embarrassment or harassment to the complainant party in any manner.