
(2021) 05 MP CK 0075

In the Madhya Pradesh High Court

Case No : Miscellaneous Criminal Case No.23555 Of 2021

Pushpraj Singh

APPELLANT

Vs

State Of Madhya Pradesh

RESPONDENT

Date of Decision : 13-05-2021

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 439

Indian Penal Code, 1860 — Section 34, 294, 354, 354A, 354Gha, 506

Protection Of Children From Sexual Offences Act, 2012 — Section 9, 10

Citation : (2021) 05 MP CK 0075

Hon'ble Judges : Vishal Mishra, J

Bench : Single Bench

Advocate : P. S. Bhadoriya, N. S. Tomar

Final Decision : Allowed

Judgement

Vishal Mishra, J

This is first bail application under Section 439 Cr.P.C., filed by the applicant for grant of bail.

Applicant has been arrested by Police Station Senvda, District " Datia (M.P.) in connection with Crime No.28/21 registered in relation to the

offence punishable under Section 354, 354-A, 354Gha, 294, 506/34 of IPC and u/ Se. 9/10 of POCSO Act.

It is submitted by the counsel for the applicant that he is in custody since 5.4.2021. Investigation is over in the matter and the charge sheet has been

filed. It is alleged that the allegation under Section 354 of IPC is against the co-accused Ajay who is already in custody. As per the prosecution story,

the applicant stopped the prosecutrix on her way and abused filthy language to her father. He further submits that the applicant is a first offender and

he is ready to abide by all the terms and conditions as may be imposed by this Court while considering this application for grant of bail. As the charge sheet has been filed, prays for grant of bail.

Per contra, Counsel for the State has opposed the bail application stating that the applicant has actively participated in the commission of the offence.

The main allegation is against the co-accused Ajay who caught hold the hands of the prosecutrix. However, he fairly submits that the charge sheet has been filed and he is the first offender.

Considering the overall facts and circumstances of the case, without commenting anything on the merit of the case, this Court deems it appropriate to allow the bail application subject to verification of the fact that the applicant is a first offender having no criminal history.

Accordingly, the application is allowed. The applicant is directed to be released on bail on his furnishing a personal bond in the sum of Rs.50,000/- (Rs.

Fifty Thousand Only) with one solvent surety of like amount to the satisfaction of the Investigation Officer/trial Court, as the case may be with

submission of written undertaking and he shall abide by all terms and conditions of the different circulars, orders as well as guidelines issued by the

Central Government, State Government as well as Local Administration for maintaining social distancing, hygiene etc. to avoid Novel Corona Virus

(COVID -19) pandemic and he will have to install Arogya Setu App, if not already installed.

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 cases 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 involve any other offence, in case the applicant indulges himself in any other criminal case the benefit of bail as extended by this Court shall automatically cancelled.
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 inform the concerned S.H.O. of concerned Police Station about his 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 as well as Superintendent of Police, concerned who shall

inform the concerned SHO regarding the same. In view of the COVID-19, jail authorities are directed that before releasing the applicant, medical

examination of applicant shall be undertaken by the jail doctor and on prima facie, if it is found that he is having the symptoms of COVID-19, then

consequential followup action including the isolation/quarantine or any test if required, be ensured, otherwise applicants shall be released immediately

on bail and shall be given a pass or permit for movement to reach his place of residence.

E- copy of this order be sent to the trial Court concerned for compliance. It is made clear that E-copy of this order shall be treated as certified copy

for practical purposes in respect of this order.

CC as per rules.