

(2023) 10 MP CK 0088

In the Madhya Pradesh High Court

Case No : Miscellaneous Criminal Case No. 47574 Of 2023

Rajnish Parmar

APPELLANT

Vs

State Of Madhya Pradesh And Others

RESPONDENT

Date of Decision : 19-10-2023

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 161, 164, 309, 439
Indian Penal Code, 1860 — Section 323, 363, 366, 370, 376, 376(2)(n), 506
Protection Of Children From Sexual Offences Act, 2012 — Section 3, 4

Citation : (2023) 10 MP CK 0088

Hon'ble Judges : Sanjeev S Kalgaonkar, J

Bench : Single Bench

Advocate : Prem Singh Bhadouria, Ramadhar Choubey

Final Decision : Allowed

Judgement

Sanjeev S Kalgaonkar, J

This first bail application has been filed by applicant under Section 439 of the Code of Criminal Procedure, 1973 for grant of bail in connection with Crime No.573 of 2023 registered at Police Station Padav, District Gwalior (M.P.) for offences punishable under Sections 376(2)(n), 363, 366, 370, 376, 323, 506 of IPC and Section 3/4 of POCSO Act. The applicant is in judicial custody since 02-10-2023.

As per the case of prosecution, victim submitted a written complaint with PS Padav, Gwalior that she is aged around 15 years. Raju Dandotiya was taking advantage of illness of her father, compelled her into prostitution. Raju Dandotiya took her to hotel Amar Palace and left her with Manager Rajnish Parmar. There were other girls present in the hotel. The girls advise her to involve in profession of prostitution. One of the person named Prathvi Sankhvar took her to Room No.107 and committed rape on her. She escaped from the hotel and reported the incident. On such allegations, PS Padav registered FIR at Crime No.573 of 2023 for offence punishable under Sections 376(2)(n), 363, 366, 370, 376, 323, 506

of IPC and Section 3/4 of POCSO Act. Police force of PS Padav conducted raid on hotel Amar Palace wherein applicant Rajnish Parmar was arrested along with other co-accused. Statement of victim was recorded under Sections 161 and 164 of CrPC. Investigation is underway.

Learned Counsel for the applicant, in addition to the grounds mentioned in the application, submits that no role is alleged against the applicant in the alleged offence. He was working as Security Guard at hotel Amar Palace. The arrest memo also shows the profession of applicant as private security guard. He was taken into custody for the reason that he was present on duty at the parking of the hotel. Applicant has a family to look after and he is sole bread earner in the family. There is no likelihood of his absconding leaving family and property. There is no likelihood of tampering with the evidence. No criminal antecedent is reported against the applicant. Jail incarceration on false charges would cause great hardship to the family of the applicant. The trial would take time to complete. Therefore, applicant may be extended the benefit of anticipatory bail

Per contra, learned Counsel for the State opposes the bail application on the ground of gravity of alleged offence.

Heard learned learned counsel for the parties and perused the case diary. Considering the arguments advanced by both the parties and overall circumstances of the case, but without commenting on merits of the case, this Court is inclined to release the applicant on bail. Thus, the application is allowed.

Accordingly, it is directed that applicant Rajnish Parmar shall be released on bail in relation to Crime No.573 of 2023 registered at Police Station Padav, District Gwalior (M.P.) for offences punishable under Sections 376(2) (n), 363, 366, 370, 376, 323, 506 of IPC and Section 3/4 of POCSO Act, upon furnishing a personal bond in the sum of Rs. 50,000/- (Rupees Fifty Thousand Only) with one solvent surety of the same amount to the satisfaction of the Trial Court, for compliance with the following conditions, :

1. The applicant shall remain present on every date of hearing as may be directed by the concerned Court;
2. The applicant shall not commit or get involved in any offence of similar nature;
3. The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade her from disclosing such facts to the Court or to the investigating officer;
4. The applicant shall not directly or indirectly attempt to tamper with the evidence or allure, pressurize or threaten the witness;
5. The applicant shall ensure due compliance of provisions of Section 309 of Cr.P.C regarding examination of witness in attendance.

This order shall be effective till the end of trial. However, in case of breach of any of the pre-condition of bail, it shall become ineffective without reference to the

Court.

CC as per rules.