
(2019) 10 MP CK 0120

In the Madhya Pradesh High Court

Case No : Miscellaneous Criminal Case No. 42022 Of 2019

Ramji Lal Alias Pappu Baghel

APPELLANT

Vs

State Of Madhya Pradesh

RESPONDENT

Date of Decision : 22-10-2019

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 439
Indian Penal Code, 1860 — Section 120B, 376, 376A
Hindu Marriage Act, 1955 — Section 9

Citation : (2019) 10 MP CK 0120

Hon'ble Judges : Anand Pathak, J

Bench : Single Bench

Advocate : Jitendra Dixit, Kamlesh Kori

Final Decision : Allowed

Judgement

The applicant has filed this first application under Section 439 of Cr.P.C for grant of bail, who has been arrested and is in custody since 14-09-2019, in connection with Crime No.365/2017, registered at Police Station Maharajpura, District Gwalior for the offence punishable under Sections 376, 376-A, 120-B of IPC.

It is the submission of learned counsel for the applicant that false case has been registered against him. It is submitted that because of domestic dispute shared by brother of prosecutrix with the niece of present applicant, mechanism has been devised by way of false implication to exert pressure. He referred the proceedings going on between the couple referred above under Section 9 of the Hindu Marriage Act. Parties intends to compromise the matter, therefore, application has been filed in M.Cr.C.No.5985/2019. Charge-sheet has already been filed and confinement since 14-09-2019 amounts to pretrial detention. He undertakes to cooperate in trial and to appear before the trial Court as and when required and further undertakes that he would not be a source of harassment and embarrassment to the prosecutrix and her family members in any manner and intends to do some community service. Thus, prayed for bail.

Learned Panel Lawyer for the State opposed the prayer and prayed for dismissal of this 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. As per the undertaking of the counsel on behalf of the applicant for social/community work, the applicant is directed to visit District Hospital, Morar District Gwalior in Outdoor Patient Department (OPD) and serve the patients for six months on every Monday and Tuesday between 09:00 am to 1 pm from this month of October till April, 2020 so that he may learn the lesson to believe in peaceful co-existence in the society and become a better citizen. Chief Medical Health Officer (CMHO), Gwalior/Hospital Superintendent, Morar District Gwalior as the case may be, shall permit the applicant to work in the Outdoor Patient Department only while assisting the ward boys and male nurses to serve the patients. He would not be allowed to move in the Wards and ICU etc.

CMHO, Gwalior/Hospital Superintendent, District Hospital Morar District Gwalior shall use the service of applicant in maintaining cleanliness in the building and serving the patients and doing work like First Aid etc., so that applicant may inculcate some basic knowledge of First Aid or Emergency Care of patients which may be helpful for unforeseen exigencies or natural calamities wherein applicant may be helpful as a volunteer.

A copy of this order be sent to CMHO, Gwalior/Hospital Superintendent, District

Hospital, Morar for information and ensuring compliance of this order. CMHO, Gwalior/ Hospital Superintendent, District Hospital, Morar may inform the Registry of this Court, if any default is made by the applicant. Even otherwise, CMHO/Hospital Superintendent as the case may be may submit a report about the work done by the applicant after completion of his stint with community service in every two months.

The report may be submitted in December, 2019. On the other hand, applicant shall also have to submit a report in every month about his experience of community service before this Court, which shall be placed before this Court under the caption "Direction".

This direction is made by this Court as a test case to address the Anatomy of Violence and Evil by process of Creation and a step towards Alignment with Nature. The natural instinct of compassion, service, love and mercy needs to be rekindled for human existence as they are innately engrained attributes of human existence.

Copy of this order be sent to the District Judge, Gwalior, CMHO, Gwalior/Hospital Superintendent, District Hospital, Morar District Gwalior and the concerned trial Court for information and necessary compliance.

Certified copy as per rules.