

(2022) 09 MP CK 0025

In the Madhya Pradesh High Court

Case No : Miscellaneous Criminal Case No. 43568 Of 2022

Sonu Kori

APPELLANT

Vs

State Of Madhya Pradesh And Others

RESPONDENT

Date of Decision : 09-09-2022

Acts Referred:

Indian Penal Code, 1860 — Section 363, 376
Protection Of Children From Sexual Offences Act, 2012 — Section 5, 6
Code Of Criminal Procedure, 1973 — Section 164, 439

Citation : (2022) 09 MP CK 0025

Hon'ble Judges : Anand Pathak, J

Bench : Single Bench

Advocate : Ajay Raghuvanshi, Sushant Tiwari

Final Decision : Allowed

Judgement

Anand Pathak, J

The applicant has filed this first bail application u/S.439 Cr.P.C for grant of bail. Applicant has been arrested on 17-12-2021 by Police Station, Indar District Shivpuri in connection with Crime No.186/2021 registered for offence punishable under Sections 363, 376 of IPC and Section 5/6 of POCSO Act.

It is the submission of learned counsel for the applicant that false case has been registered against him and he is suffering confinement since 17-12-2021 whereas charge-sheet has already been filed. It is further submitted that statement of prosecutrix recorded under Section 164 of Cr.P.C. indicates consensual nature of relationship. She shared emotional proximity with the applicant. Applicant does not bear any criminal record. Confinement amounts to pretrial detention. He further undertakes not to be source of embarrassment and harassment to the complainant party in any manner and would not move in the vicinity of complainant party. Thus, prayed for bail.

Counsel for the State opposed the prayer and prayed for dismissal of the bail

application.

Heard learned counsel for the parties at length and considered the arguments advanced by them.

Considering the arguments advanced by learned counsel for the parties, but without commenting on the merits of the case, this Court intends to allow this application. It is hereby directed that the applicant shall be released on bail, on his furnishing personal bond of Rs.50,000/- (Rupees Fifty Thousand only) alongwith one solvent surety of the like amount to the satisfaction of trial Court.

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

Application stands allowed and disposed of.

Copy of this order be sent to the trial Court concerned for information and necessary compliance.

Certified copy as per rules.