

(2021) 05 MP CK 0142

In the Madhya Pradesh High Court

Case No : Miscellaneous Criminal Case No.24882 Of 2021

Ushma Tandiya

APPELLANT

Vs

State Of M.P

RESPONDENT

Date of Decision : 28-05-2021

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 439

Indian Penal Code, 1860 — Section 212, 216, 336, 343, 366, 370C, 376, 376(2)(n), 506

Protection Of Children From Sexual Offences Act, 2012 — Section 4, 6

Citation : (2021) 05 MP CK 0142

Hon'ble Judges : Akhil Kumar Srivastava, J

Bench : Single Bench

Advocate : Paritosh Dwivedi, Kamlesh Dwivedi

Final Decision : Allowed

Judgement

Akhil Kumar Srivastava, J

This is the first bail application filed by the applicant under Section 439 of the Cr.P.C. for grant of bail. The applicant is in custody since 01.04.2021 in

connection with Crime No.276/2017 registered at Police Station-Samnapur, District Dindori (M.P.) for the offences punishable under Section 336, 366,

376, 376(2)(n), 343, 506, 370C, 212, 216 of IPC. 4, 6 of POCSO Act.

As per the prosecution case, the applicant is alleged to have assisted in the commission of the crime.

Learned counsel for the applicant submit that the applicant is innocent and has been falsely implicated. The applicant is under custody since

01.04.2021. Due to Covid-19 the trial will take time to conclude. The applicant is permanent resident of the District Dindori and there is no likelihood

of absconding or tampering with the prosecution evidence by the applicant. On these grounds, prayer is made to enlarge the applicant on regular bail.

Learned counsel for the State has opposed the bail application. He submits that no criminal antecedents of the applicant has been mentioned in the case diary.

Heard learned counsel for both the parties and considering the facts and circumstances of case, and looking to the period incarcerated by the applicant

in jail, this Court is of the view that the applicant may be enlarged on bail, hence, without commenting on the merits of the matter, the application is

allowed. The applicant-Ushma Tandiya is directed to be released on bail upon her furnishing personal bond in the sum of Rs.50,000/- (Rupees Fifty

thousand Only) with one surety each in the like amount to the satisfaction of the concerned Court for her appearance before the trial Court on all such

dates as may be fixed in this behalf by the trial Court during the pendency of trial.

The prison authorities are also requested to ensure compliance with the order passed by the Supreme Court in Suo Moto Writ Petition(C) No. 1/2020

and ensure, that the Applicant is examined by the jail doctor before his release. If applicant shows symptoms of COVID 19, the doctor shall forthwith

direct him to be produced before the appropriate hospital designated for the detection and treatment of COVID 19 patients. If the doctor is of the

opinion that the Applicant is not affected with the virus, the jail authorities shall ensure their transportation from the jail till his place of residence.

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 her;
2. The applicant will cooperate in the trial;
3. The applicant will not indulge herself in extending inducement, threat or promise to any person acquainted with the fact 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 shall not commit any offence during the entire period of bail;
5. The applicant will not seek unnecessary adjournments during the trial;
6. The applicant will not leave India without previous permission of the trial

Court;

7. The applicant shall inform the Court about her address and residence in case the applicant moves out from her permanent address for any point of

time; and

8. The applicant shall not contact any of the other accused persons in this case in any manner whatsoever.

This order shall remain effective till the end of the trial, but in case of bail jump and breach of any of the pre-condition of bail, it shall become

ineffective and cancelled without reference to this Bench.

In the event of breach of any of the conditions imposed by this Court, the complainant/victim/State will be at liberty to move an application for

cancellation of bail granted today.

Certified Copy on payment of usual charges.