

**HIGH COURT OF MADHYA PRADESH
MCRC No.33628/2018
(Kallu Narvariya Vs The State of M.P.)**

Gwalior, Dated : 12.11.2018

Shri D.S.Tomar, learned counsel for the applicant.

Shri R.V.S.Ghuraiya, learned Public Prosecutor for the respondent No.1/State.

Shri Sudhir Singh Tomar, learned counsel for the respondent No.2.

With consent heard finally.

The applicant has filed this first application u/S. 439, Cr.P.C. for grant of bail. The applicant has been arrested on 22.12.2017 by Police Station Kachnar, District Ashoknagar in connection with Crime No.202/2017 registered in relation to the offences punishable u/Ss. 363, 366-A and 376 of IPC and Section 5/6 of the POCSO Act, 2012.

It is the submission of counsel for applicant that the prosecutrix is living with his family and in her statement under Section 164 of Cr.P.C., she nowhere implicated the applicant in any manner for alleged offences referred above. He further submits that he is also interested in living with the prosecutrix as husband and wife. He is confinement since 22.12.2017 and charge sheet has been filed. Confinement amounts pretrial detention.

Learned Public Prosecutor for the respondent No.1/State as well as counsel for the respondent No.2/ complainant opposed the prayer and prayed for dismissal of the application.

Heard learned counsel for the parties and perused the case diary.

Considering the submissions advanced by the counsel

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for the applicant and on perusal of the case diary, without expressing any opinion on the merits of the case, this Court deems it appropriate to allow this application in the following terms.

It is hereby directed that the applicant shall be released on bail on his furnishing a personal bond of **Rs.40,000/- (Rupees Forty Thousand Only)** with one solvent surety in the like amount to the satisfaction of the 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 acquitted 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 and would not move in the vicinity of the complainant;
4. The applicant shall not commit an offence similar to the offence of which he is accused;
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/Investigating Officer, as the case may be; and

A copy of this order be sent to the Court concerned for compliance.

Certified copy as per rules.

(Anand Pathak)
Judge