

THE HIGH COURT OF MADHYA PRADESH
M.Cr.C. No.36914/2018
(Maan Singh Adiwasi Vs. State of M.P.)

Gwalior, dated : 15/11/2018

Shri Rajiv Upadhyay, learned counsel for the applicant.

Shri R.V.S. Ghuraiya, learned Public Prosecutor for the respondent-state.

This is the first bail application under Section 439 of Cr.P.C. on behalf of the applicant. The applicant is in custody since 10/06/2018 in connection with Crime No.10/2018 registered at Police Station Badoni, District-Datia for the offence punishable under Sections 363, 366, 376(2) of IPC and Section 5/6 of POCSO Act.

It is the submission of the counsel for the applicant that prosecutrix herself has not supported the story of the prosecution and in her statement under Section 164 of Cr.P.C., she deposed categorically that she lived with Maan Singh-present applicant on her own volition and not under any threat or inducement. It is further submitted that even otherwise, case is of false implication. Charge-sheet has already been filed and confinement would amount to pre trial detention. Prosecutrix (PW-1) and her mother (PW-2) respectively have also turned hostile in their court statements and did not support the story of the prosecution.

Learned Public Prosecutor for the State on the basis of case diary opposed the bail application but he supported the story narrated by counsel for the applicant and he has no objection if bail is granted to the applicant.

Heard the counsel for parties and perused the case diary.

Considering the submissions made by learned counsel for the parties as well as the fact that confinement would amount to pretrial detention, but without expressing any opinion on merits of the case, the application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicant-Maan Singh Adiwasi be

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released on bail on furnishing a personal bond in the sum of **Rs.50,000/- (Rs. Fifty Thousand Only)** with a solvent surety in the like amount to the satisfaction of the trial Court for his regular appearance before the trial Court on the condition that he shall remain present before the Court concerned during the trial.

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.

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

Certified copy as per rules.

(Anand Pathak)
Judge