

**HIGH COURT OF MADHYA PRADESH
MCRC No.44888/2018
(Satendra Lodhi Vs The State of M.P.)**

Gwalior, Dated : 16.11.2018

Shri J.P.Mishra, learned counsel for the applicant.

Shri R.V.S.Ghuraiya, learned Public Prosecutor for the respondent/
State.

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 12.10.2018 by Police Station Bhonti, District Shivpuri in connection with Crime No.265/2018 registered in relation to the offences punishable u/Ss. 294, 342, 376 and 506 of IPC.

It is the submission of counsel for the applicant that the prosecutrix shared strained relation with her husband, and therefore compelled by the circumstances, she left her matrimonial home and went alongwith the applicant. A missing person report was lodged by her husband and later on she returned back. In her statement dated 11.09.2018, she nowhere referred the role of the applicant enforcing himself upon her for commission of offence under Section 376 of IPC. Later on, at the instance and instigation of her husband, she filed a police report on which offence has been registered against the applicant. He is confinement since 12.10.2018 without any reason. It amounts to pretrial detention. He undertakes to cooperate with the investigation.

Learned Public Prosecutor for the respondent/State 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 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.50,000/- (Rupees Fifty Thousand**

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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 mark his presence on every Monday before the Police Station Bhonti, District Shivpuri between 10:00 AM to 2:00 PM till filing of charge-sheet and any default would be violative of the conditions imposed by this Court and immediately will have to be reported by the Station House Officer, Police Station Bhonti to this Court by way of application for cancellation of bail.
 2. The applicant will comply with all the terms and conditions of the bond executed by him;
 3. The applicant will cooperate in the investigation/trial, as the case may be;
 4. 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;
 5. The applicant shall not commit an offence similar to the offence of which he is accused;
 6. The applicant will not seek unnecessary adjournments during the trial;
 7. 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**