

THE HIGH COURT OF MADHYA PRADESH
MCRC-45935-2018
(RAVI @ RAVINDRA Vs THE STATE OF MADHYA PRADESH)

Gwalior, Dated : 16/11/2018

Shri P.S. Bhadoriya, 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 by Police Station Narwar, District Shivpuri in connection with Crime No.265/2018 registered in relation to the offence punishable u/Ss 376-D and 506 of IPC.

It is the submission of learned counsel for applicant as narrated in the application that because of dispute cropped up, because of distribution of crop, which resulted into registration of FIR against the applicant. Panchayat of the concerned Gram Panchayat decreed in favour of father of applicant, whereby husband of the prosecutrix had to pay some agriculture produce, because of issue regarding decision of cost and to avoid liability as decreed by the Gram Panchayat, a device has been formulated by the husband of the prosecutrix to avoid the liability. Medical evidence nowhere indicates any injury on private part nor any abrasion or scratches appeared over the person of the prosecutrix while committing rape. The applicant is a young man aged about 21 years and his suffering confinement on false pretext. He undertakes to cooperate in the trial Court. Applicant is behind the bars since 30.10.2018, which amounts to pre trial detention.

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.

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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 Only)** with one solvent surety of the like amount to the satisfaction of the concerned 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
7. The applicant shall have to mark his appearance in every Monday and Friday between 10:00 AM to 02:00 PM before trial Court/Investigation Officer as the case may be 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 Station House Officer, concerned to this Court by way of application for cancellation of bail.

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

Certified copy as per rules.

(Anand Pathak)
JUDGE