

**THE HIGH COURT OF MADHYA PRADESH**  
**M.Cr.C. No.50391/2018**  
**(Arjun Vs. State of M.P.)**

**Gwalior, dated : 14.12.2018**

Shri Ajay Raghuwanshi, learned counsel for the applicant.

Shri Dilip Singh Tomar, learned Public Prosecutor for the respondent/State.

With consent heard finally.

This is this first bail application under Section 439 of Cr.P.C. on behalf of the applicant. The applicant is in custody since 24.10.2018, in connection with Crime No.203/2018, registered at Police Station Kachaner, District Ashoknagar, for the offence punishable under Sections 363, 366, 376 of IPC and Section 5/6 of the POCSO Act.

It is the submission of the learned counsel for the applicant that that case is of consent and therefore, falsely framed by the prosecution. Radiological examination of the prosecutrix indicates that she is above 17 years and below 18 years of age. Charge-sheet has been filed. Therefore, he prays for bail. Confinement amounts to pretrial detention.

On the other hand, Public Prosecutor for the State on the basis of case diary opposed the bail application and prayed for dismissal of bail application.

Heard the counsel for parties and perused the case diary.

Considering the submissions made by learned counsel for the parties and looking to the fact that charge-sheet has been filed as well as the fact that disposal of trial shall take time and detention of the applicant amounts to pretrial detention, 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 be released on bail on furnishing a personal bond in the sum of **Rs.50,000/- (Rupees Fifty Thousand Only)** with one solvent surety in the like amount to the satisfaction of the trial Court

**THE HIGH COURT OF MADHYA PRADESH**  
**M.Cr.C. No.50391/2018**  
**(Arjun Vs. State of M.P.)**

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**

Rashid