

**Kadam Rawat Vs. State of Madhya Pradesh****Gwalior Bench Dated: 11/12/2019**

Shri Ashish Singh, learned counsel for the applicant.

Shri Kshitij Sharma, learned PP for the respondent/State.

With consent heard finally.

The applicant has filed this first application under Section 439 of Cr.P.C for grant of bail, who has been arrested and is in custody since 07-07-2019, in connection with Crime No.346/2019, registered at Police Station Sabalgarh, District Morena for the offence punishable under Sections 366, 376-D of IPC.

It is the submission of learned counsel for the applicant that false case has been registered against him and is suffering confinement since 07-07-2019 whereas charge-sheet has already been filed. It is further submitted that the statement recorded under Section 164 of Cr.P.C. indicates that she lived for six years with co-accused Ramkumar and thereafter she allegedly entered into the wedlock with the present applicant through affidavit. Her conduct indicates an improbable event. Confinement since 07-07-2019 amounts to pretrial detention. He undertakes to cooperate in trial and to appear before the trial court as and when required and further undertakes that he would not be a source of harassment and embarrassment to the complainant party in any manner and intends to do some community service. Thus, prayed for bail.

Learned Public Prosecutor for the State opposed the prayer and

prayed for dismissal of this application.

Considering the submissions advanced, looking to the facts and circumstances of the case, but without commenting on the merits of the case, the application is allowed. It is directed that the applicant shall be released on bail on his furnishing personal bond in the sum of **Rs.50,000/- (Rupees Fifty Thousand Only)**, with one solvent surety of the like amount to the satisfaction of Trial Court concerned.

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.
7. As per the undertaking of the counsel on behalf of the applicant for social/community work, the applicant is directed to visit Community Health Center, Veerpur District Sheopur in Outdoor Patient Department (OPD) and serve the patients **on**

**every Monday and Tuesday between 09:00 am to 1 pm from this month of December till November, 2020** so that he may learn the lesson to believe in peaceful co-existence in the society and become a better citizen. Chief Medical Health Officer (CMHO), Sheopur/Hospital Superintendent, Community Health Center, Veerpur District Sheopur as the case may be, shall permit the applicant to work in the Outdoor Patient Department only while assisting the ward boys and male nurses to serve the patients. He would not be allowed to move in the Wards and ICU etc.

CMHO, Sheopur/ Hospital Superintendent, Community Health Center, Veerpur District Sheopur shall use the service of applicant in maintaining cleanliness in the building and serving the patients and doing work like First Aid etc., so that applicant may inculcate some basic knowledge of First Aid or Emergency Care of patients which may be helpful for unforeseen exigencies or natural calamities wherein applicant may be helpful as a volunteer.

A copy of this order be sent to CMHO, Sheopur/Hospital Superintendent, Community Health Center, Veerpur District Sheopur for information and ensuring compliance of this order. CMHO, Sheopur/ Hospital Superintendent, Community Health Center, Veerpur District Sheopur may inform the Registry of this Court, if any default is made by the applicant. Even otherwise, CMHO/Hospital Superintendent as the case may be may submit a report about the work done by the applicant after completion of his stint with community service in every two months. The report may be submitted in **March**,

2020. On the other hand, applicant shall also have to submit a report about his experience of community service before this Court, which shall be placed before this Court under the **caption “Direction”**.

This direction is made by this Court as a test case to address the Anatomy of Violence and Evil by process of Creation and a step towards Alignment with Nature. The natural instinct of compassion, service, love and mercy needs to be rekindled for human existence as they are innately engrained attributes of human existence.

Copy of this order be sent to the District Judge, Sheopur, CMHO, Sheopur/Hospital Superintendent, Community Health Center, Veerpur district Sheopur of concerned Hospital and the concerned trial Court for information and necessary compliance.

Certified copy as per rules.

**(Anand Pathak)**  
**Judge**