

**The High Court Of Madhya Pradesh**  
**MCRC-33863-2020**  
*(DEEPU Vs THE STATE OF MP. AND OTHERS)*

**Gwalior Bench: Dated 15/09/2020**

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

Shri Nitin Goyal, learned Panel Lawyer, for the respondent/State.

Matter is heard through Video Conferencing.

The applicant has filed this first bail application u/S.439 Cr.P.C for grant of bail. Applicant has been arrested on 22.07.2020 by Police Station Purani Chhawani, District Gwalior in connection with Crime No.199/2019 for the offence punishable under Sections 393, 376 of IPC and 3/4 of POCSO Act.

It is the submission of learned counsel for the applicant that false case has been registered against him and he is suffering confinement since 22.07.2020 and charge-sheet has already been filed. It is submitted that statements of prosecutrix under Section 164 of Cr.P.C. are non-implicative in nature. Both entered into wedlock and now they are living as couple. Confinement amounts to pretrial detention. He undertakes to cooperate in investigation/trial and would not be a source of embarrassment/harassment to the complainant party in any manner and would not move in their vicinity. On these premises, he prayed for bail.

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Learned counsel for the State opposed the prayer and prayed for dismissal of the bail application.

Heard learned counsel for the parties at length through VC and considered the arguments advanced by them.

Considering the submissions, specially the age of the applicant but without expressing any opinion on the merits of the case, a chance is given to the applicant to reform himself, therefore, this application is considered and allowed. It is hereby directed that the applicant shall be released on bail on his furnishing personal bond of **Rs.50,000/- (Rupees Fifty Thousand Only)** along with one solvent surety of the like amount to the satisfaction of trial Court and that he will have to install **Arogya Setu App**, if not already installed.

In view of COVID-19 pandemic, the jail authorities are directed that before releasing the applicant, his preliminary Corona Virus test shall be conducted and if he is found negative, then the concerned local administration shall make necessary arrangements for sending the applicant to his house, and if he is found positive then the applicant shall be immediately sent to concerned hospital for his treatment as per medical norms. If the

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applicant is fit for release and if he is in a position to make his personal arrangements, then he shall be released only after taking due travel permission from local administration. After release, the applicant is further directed to strictly follow all the instructions which may be issued by the Central Govt./State Govt. or Local Administration for combating the Covid19. If it is found that the applicant has violated any of the instructions (whether general or specific) issued by the Central Govt./State Govt. or Local Administration, then this order shall automatically lose its effect, and the Local Administration/Police Authorities shall immediately take him in custody and would sent him to the same jail from where he was released.

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 them from disclosing such facts to the Court or to the Police Officer, as the case may be;

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4. The applicant shall not commit an offence similar to the offence of which he is accused ;

5. Applicant will not seek unnecessary adjournments during trial and **applicant shall not move in the vicinity of the complainant party and would not try to contact them through mobile or through in person or through somebody else to cause any intimidation or threat, otherwise benefit of this bail shall be immediately withdrawn amounting to tampering with evidence and witnesses ;**

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 will inform the SHO of concerned police station about his residential address in the said area and it would be the duty of the Panel Lawyer to send **E-copy** of this order to SHO of concerned police station for information.

Application stands allowed and disposed of.

**E- copy** of this order be sent to the trial Court concerned for compliance, if possible for the office of this Court.

Certified copy/ e-copy as per rules/directions.

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