

THE HIGH COURT OF MADHYA PRADESH  
**Mcr.44868.2020**  
**(Ravipratap Singh Vs. State of M.P.)**

**Gwalior Dt. 20.11.2020**

Shri Pradeep Katare, learned counsel for the petitioner.

Shri Rinkesh Goyal, learned Panel Lawyer for the State.

Case diary is perused.

Learned counsel for the rival parties are heard through video conferencing.

The petitioner has filed this 2<sup>nd</sup> repeat application u/S. 439 of Cr.P.C. for grant of bail after dismissal of earlier one as withdrawn after arguing for a while with liberty to come again after filing of charge-sheet.

The petitioner has been arrested on 28.09.2020 by Police Station- Umari, District Bhind (M.P.), in connection with Crime No.39/2020 registered in relation to the offences punishable u/S.354, 454, 323 of IPC further added section 336, 392, 506, 34 of IPC and 11/13 of MPDVPK Act and 7/8 of POCSO Act.

Learned counsel for State opposed the application and prayed for its rejection by contending that on the basis of the allegations and the material available on record, no case for grant of bail is made out.

New ground raised is that investigation is over by filing of

charge-sheet. The allegation against the petitioner is of house-trespass and outraging the modesty of prosecutrix who is aged between 17-18 years by catching hold of her hand and also pushing her mother aside when she came to rescue of the prosecutrix. Petitioner has no criminal antecedents.

In view of above and considering the nature of allegation and that petitioner has suffered about one and a half months of incarceration and looking to special circumstances of ongoing Covid-19 pandemic with further facts that early conclusion of the trial is a bleak possibility and prolonged pre-trial detention being an anathema to the concept of liberty and the material placed on record does not disclose possibility of petitioner fleeing from justice, this Court, is inclined to extend the benefit of bail to the petitioner.

Accordingly, without expressing any opinion on merits of the case, this application is allowed and it is directed that the petitioner be released on bail on furnishing a personal bond in the sum of **Rs.25,000/- (Rs. Twenty Five Thousand only) with one solvent surety of the like amount** to the satisfaction of the concerned Magistrate.

This order will remain operative subject to compliance of the following conditions by the petitioner :-

1. The petitioner will comply with all the terms and conditions of the bond executed by him;
  2. The petitioner will cooperate in the trial ;
  3. The petitioner 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/her from disclosing such facts to the Court or to the Police Officer, as the case may be;
  4. The petitioner shall not commit an offence similar to the offence of which he is accused;
  5. The petitioner will not seek unnecessary adjournments during the trials;
  6. The petitioner will not leave India without previous permission of the trial Court/Investigating Officer, as the case may be;
  7. The learned concerned Magistrate and the prosecution are directed to ensure following of Covid-19 precautionary protocol prescribed from time to time by the Supreme Court, the Central Govt. and as well as the State Govt during release, travel and residence of the petitioner during period of bail as a consequence of this order.
  8. The petitioner as a Shiksha Swayamsevak shall render physical and financial assistance to government primary school situated nearest to residence of petitioner for ensuring hygiene and sanitation and for removing deficiencies of infrastructural amenities in the said school from the skill/resources of the petitioners.
- [याचिकाकर्ता एक शिक्षा स्वयंसेवक के रूप में अपने निवास के निकट अवस्थित सरकारी प्राथमिक विद्यालय में स्वच्छता और आरोग्य को

सुनिश्चित करने के लिए शारीरिक एवं वित्तीय सहायता प्रदान करेगा तथा अपने कौशल व संसाधनों से उक्त विद्यालय में अवसंरचनात्मक सुविधाओं की कमियों को दूर करेगा।]

The petitioner after selecting a particular Govt. Primary School shall inform about the same to the office of Gram Panchayat (in case of rural area) and/or Ward Officer of the concerned ward (in case of urban area), within whose territorial jurisdiction the said school is situated. [याचिकाकर्ता एक विशिष्ट प्राथमिक सरकारी स्कूल का चयन करने के पश्चात् इसके बारे में ग्राम पंचायत के कार्यालय (ग्रामीण क्षेत्र के मामले में) और/या सम्बंधित वार्ड के वार्ड अधिकारी (शहरी क्षेत्र के मामले में) जिसके क्षेत्राधिकार में उक्त स्कूल अवस्थित है, को सूचित करेगा।]

It will be joint responsibility of Sarpanch and Secretary of said Gram Panchayat (in case of rural area) and/or Ward Officer of the concerned ward (in case of urban area) to preserve the said information provided by the petitioner. [यह सम्बंधित वार्ड के वार्ड अधिकारी (शहरी क्षेत्र के मामले में) और/या उक्त ग्राम पंचायत के सरपंच और सचिव (ग्रामीण क्षेत्र के मामले में) की संयुक्त जिम्मेदारी होगी कि, याचिकाकर्ता द्वारा प्रदत्त सूचना को संरक्षित करे।]

The registry of this Court shall communicate this order through Legal Aid Officer, SALSA, Gwalior to the Collector, District Education Officer, Block Education Officer of the district/block concerned for information and compliance.

A copy of this order be supplied to the Legal Aid Officer, SALSA, Gwalior who is directed to communicate this order to the District Education Officer, Block Education Officer of the district/block

concerned to verify as to whether petitioner has complied with condition No.8 or not and submit report once every month.

In case, report regarding condition No.8 is not filed or report is found to be wanting in any manner then Registry is directed to list this matter as PUD before appropriate Bench.

Petitioner has gracefully volunteered to donate Rs.2000/- (Rupees Two Thousand Only) in the account of the High Court Bar Association, Gwalior for the purpose of assistance and rehabilitation of those members of the Bar, who are facing financial distress due to Lockdown and restrictive functioning of the courts owing to ongoing Covid19 pandemic. This Court has no manner of doubt that the office bearers and the Senior members of the Bar shall ensure that the donation reaches the rightful and deserving claimants. Let the donation be deposited within seven (7) working days from the date of furnishing bail.

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

C.c as per rules.

**(Sheel Nagu)**  
**Judge**