

**HIGH COURT OF MADHYA PRADESH**

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**M.Cr.C.No.8350/2021**

**(Usman Khan Vs. State of M.P.)**

**Gwalior Bench:Dated -22/02/2021**

Shri D.R. Sharma, learned counsel for the applicant.

Shri Anil Shukla, learned PP for the respondent/State.

Matter is heard through physical hearing.

The applicant has filed this fifth bail application u/S.439 Cr.P.C for grant of bail. Applicant has been arrested on 17-07-2019 by Police Station Janakganj, District Gwalior in connection with Crime No.435/2019 registered for offence punishable under Sections 376, 506 of IPC and Sections 3/4 of POCSO Act. His earlier bail applications were dismissed as withdrawn.

At the outset, learned counsel for the applicant seeks withdrawal of this application so far as merit is concerned and pressed I.A.No.4976/2021, an application for interim bail. He pressed for interim bail on the ground that marriage of sister of the applicant -Neha Khan is likely to be solemnized on 28-02-2021 at Gwalior and marriage card along with Panchnama of the concerned councillor is attached with the application. Even otherwise, statement of material prosecution witnesses have been examined, therefore, applicant be given temporary bail to attend the wedding. He undertakes to cooperate in trial and would not be a source of embarrassment or harassment to the complainant

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party, in any manner and would surrender as and when directed by this Court. He further undertakes to abide by all the terms and conditions of guidelines, circulars and directions issued by Central Government, State Government as well as Local Administration regarding measures in respect of COVID-19 Pandemic and maintain hygiene in the vicinity while keeping physical distancing.

Counsel for the respondent/State on the basis of report dated 19-02-2021 sent by the Police Station, Janakganj District Gwalior, submits that the fact regarding marriage is correct and he verified the contents.

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

Considering the submission and verification report referred by the respondent/State, case for interim bail is made out hence, without commenting on the merits of the case, it is hereby directed that the applicant shall be released on temporary bail for **10 days (till 04-03-2021)**, on his furnishing personal bond of **Rs.50,000/- (Rupees Fifty Thousand only)** alongwith one solvent surety of like amount to the satisfaction of trial Court.

This order will remain operative subject to compliance of

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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;

4. The applicant will not be a source of embarrassment or harassment to the complainant party in any manner and applicant will not seek unnecessary adjournments during the trial;

5. The applicant will not leave India without previous permission of the trial Court/Investigating Officer, as the case may be;

6. Applicant shall not move in the vicinity of the complainant and would always cooperate in trial. He would not tamper the evidence and witnesses of the case. His movement shall be confined amongst his family members only. Otherwise, this benefit of temporary bail shall be withdrawn.

**7. Applicant shall surrender on or before 04-03-2021**

