

IN THE HIGH COURT OF MADHYA PRADESH

AT GWALIOR

BEFORE

HON'BLE SHRI JUSTICE ANAND PATHAK

ON THE 10th AUGUST, 2022

MISC. CRIMINAL CASE No. 33485 OF 2022

Between:-

**NEERAJ PRAJAPATI S/O SHRI
LAXMAN SINGH PRAJAPATI, AGED
19 YEARS, OCCUPATION-STUDENT,
R/O RAIPURA NAY BASTI, POLICE
STATION KOTWALI, TEHSIL AND
DISTRICT VIDISHA (MADHYA
PRADESH)**

.....APPLICANT

(BY SHRI NAVNIDHI PARHARIYA- ADVOCATE)

AND

**1. THE STATE OF MADHYA
PRADESH THROUGH POLICE
STATION KOTWALI, TEHSIL &
DISTRICT VIDISHA (MADHYA
PRADESH)**

**2. PROSECUTRIX TO BE SERVED
THROUGH POLICE STATION
KOTWALI, TEHSIL & DISTRICT
VIDISHA (MADHYA PRADESH)**

.....RESPONDENT

(SHRI BPS CHAUHAN- PUBLIC PROSECUTOR)

*This application coming on for Admission this day, the court passed
the following:*

ORDER

The applicant has filed this first bail application u/S.439 Cr.P.C for grant of bail. Applicant has been arrested on 6/3/2022 by Police Station-Kotwali, District- Vidisha, in connection with Crime No.558/2022 for the offence punishable under Sections 363, 366-A, 376, 376(2)(n) of IPC, Section 3,4,5(J), 5 (L), 6 of POCSO Act and Sections 3(1)(w)(II), 3 (2)(v) and 3 (2)(v-a) of Schedule Castes and Scheduled Tribes (Prevention of Atrocities) Act.

It is the submission of learned counsel for the applicant that applicant is suffering confinement since 6/3/2022 and material prosecution witnesses including the prosecutrix (PW/1) as well as her mother (PW/2) have been examined. Even otherwise, from the statement, it appears that both shared emotional and physical proximity and prosecutrix appears to be major because she has referred her age as 19 years. Applicant does not bear any criminal record. Both entered into wedlock and initially she conceived out of the relationship but later on aborted. Both intend to live as couple and applicant wants to take her into his family fold. Confinement amount to pretrial detention. He undertakes to cooperate in trial. Under these grounds, he prayed for bail.

Learned counsel for the respondent/State opposed the prayer and prayed for dismissal of this application.

Heard.

Perused the case diary.

Considering the submissions advanced by the learned counsel for the parties and the fact situation, without commenting on the merits of the case, the application is 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) with one solvent surety** of like amount to the satisfaction of trial Court.

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;
4. The applicant shall not commit an offence similar to the offence of which he is accused;
5. The applicant will not seek unnecessary adjournments during the trial;
6. The applicant will not leave India without previous permission of the trial Court/Investigating Officer, as the case may be; **and**
7. **Applicant will not move in the vicinity of complainant party and would not be a source of embarrassment or harassment to the complainant party in any manner.**

Application stands allowed and **disposed of**.

Copy of this order be sent to the trial Court concerned for compliance.

Certified copy as per rules.

(Anand Pathak)
Judge