

**IN THE HIGH COURT OF MADHYA PRADESH
AT GWALIOR**

BEFORE

HON'BLE SHRI JUSTICE ANAND PATHAK

ON THE 24th OF NOVEMBER, 2022

MISC. CRIMINAL CASE NO. 54104 OF 2022

Between:-

**PUSHPENDRA JATAV @ GOLU S/O SHRI
RAMVARAN JATAV, AGED 22 YEARS,
OCCUPATION STUDYING AND PRIVATE
JOB, R/O VILLAGE RUARIYA, POLICE
STATION SIHONIYA, DISTRICT MORENA
(MADHYA PRADESH)**

.....APPLICANT

(BY SHRI RAJENDRA SINGH DHAKAD - ADVOCATE)

AND

- 1. THE STATE OF MADHYA PRADESH
THROUGH POLICE STATION
PANIHAR, DISTRICT GWALIOR
(MADHYA PRADESH)**
- 2. PROSECUTRIX CRIME NUMBER 112/2022
POLICE STATION PANIHAR, DISTRICT
GWALIOR (MADHYA PRADESH)**

.....RESPONDENTS

***(BY SHRI KAUSHLENDRA SINGH TOMAR – PUBLIC PROSECUTOR
FOR RESPONDENT NO.1/STATE)***

(NONE FOR THE RESPONDENT NO.2 DESPITE INFORMED)

This application coming on for admission this day, the Court passed the following:

ORDER

The applicant has filed this **third** bail application u/S.439 Cr.P.C for grant of bail. Applicant has been arrested on 12.09.2022 by Police Station Panihar, District Gwalior (Madhya Pradesh) in connection with Crime No.112/2022 for the offence punishable under Sections 363, 366, 376, 376 (2) (n) & 34 of IPC and Section 3/4 of the POCSO Act.

It is the submission of learned counsel for applicant that applicant is suffering confinement since 12.09.2022 and charge sheet has already been filed, therefore chance of tampering with the evidence/witnesses is remote. It is further submitted that statement under Section 164 of Cr.P.C. of prosecutrix indicates consensual nature of relationship and it appears that she left her maternal home on her own volition. She is at the cusp of attaining majority. Confinement amounts to pretrial detention. He undertakes to cooperate in trial. Under these circumstances, his case may be considered for bail.

Learned Public Prosecutor for the respondent/State opposes the prayer and prays for dismissal of the application.

Heard learned counsel for the parties and perused the documents appended thereto.

Considering the submissions advanced by the counsel for the applicant, this Court intends to allow the application. 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 the 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 him 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;

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

AK/-