

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

**BEFORE**

**HON'BLE SHRI JUSTICE ANAND PATHAK**

**ON THE 2<sup>nd</sup> OF DECEMBER, 2022**

**MISC. CRIMINAL CASE No. 56618 of 2022**

**Between:-**

**GOLU OJHA S/O BHAIYA LAL OJHA, AGED  
ABOUT 29 YEARS, OCCUPATION: LABOUR R/O  
VILLAGE TUDYAVAD POLICE STATION  
BADARWAS DISTRICT SHIVPURI (MADHYA  
PRADESH)**

**.....APPLICANT**

**(BY SHRI ADITYA SHARMA - ADVOCATE)**

**AND**

**STATE OF MADHYA PRADESH,  
THROUGH POLICE STATION BADARWAS  
DISTRICT SHIVPURI (MADHYA PRADESH)**

**.....RESPONDENT**

**(BY SHRI BPS CHAUHAN-PUBLIC PROSECUTOR)**

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

**ORDER**

The applicant has filed this second bail application u/S.439 Cr.P.C for grant of bail. Applicant has been arrested on 18-08-2022 by Police Station Badarwas, District Shivpuri in connection with Crime No.233/2022 registered for offence punishable under Sections 323, 354, 456 of IPC, Section 7/8 of the

POCSO Act and Sections 3(1)(da),3(1)(gha), 3(1)(w), 3(2)(v-a) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

It is the submission of learned counsel for the applicant that false case has been registered against him and he is suffering confinement since 18-08-2022 whereas material prosecution witnesses have been examined, therefore, chance of tampering with the evidence/witnesses is remote. Applicant bears criminal record of two cases but they are of minor nature and he learnt the lesson hard way and would mend his ways and become a better citizen in future. Confinement amounts to pretrial detention. He further undertakes to cooperate in trial and appear before the trial Court as and when required. He further undertakes not to be source of embarrassment and harassment to the complainant party in any manner and would not move in the vicinity of complainant party. Thus, prayed for bail.

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

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

Considering the arguments advanced by learned counsel for the parties but without commenting on the merits of the case, this Court intends to allow this 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)** alongwith 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 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 be a source of embarrassment or harassment to the complainant party in any manner and 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;

**7. Applicant shall not move in the vicinity of complainant and shall not be source of embarrassment and 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 information and necessary compliance.

**Certified copy as per rules.**

**(Anand Pathak)  
Judge**