

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

**BEFORE**

**HON'BLE SMT. JUSTICE SUNITA YADAV**

**ON THE 19<sup>th</sup> OF APRIL, 2024**

**MISC. CRIMINAL CASE No. 52842 of 2023**

**BETWEEN:-**

**HANSRAJ AHIRWAR S/O SHRI JAYRAM AHIRWAR,  
AGED ABOUT 23 YEARS, GRAM KESHLON THANA AND  
THASIL BAHADURPUR DISTRICT ASHOKNAGAR  
(MADHYA PRADESH)**

**.....APPLICANT**

**(BY MR. SHUSHIL GOSWAMI - ADVOCATE)**

**AND**

- 1. THE STATE OF MADHYA PRADESH THROUGH  
POLICE STATION BAHADURPUR DISTRICT  
ASHOKNAGAR (MADHYA PRADESH)**
- 2. ABHIYOKTRI THROUGH POLICE STATION  
BAHADURPUR DISTRICT ASHOKNAGAR D/O  
N O N E THROUGH BAHADURPUR DISTRICT  
ASHOKNAGAR (MADHYA PRADESH)**

**.....RESPONDENTS**

**(BY MR. DINESH SAVITA - PUBLIC PROSECUTOR)**

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

**ORDER**

This is the first application filed by the applicant under Section 439 of the Cr.P.C. for grant of bail relating to FIR No. 14 of 2023 registered at Police Station Bahadurpur, District Ashoknagar (M.P.) for the offence under Sections 376, 511, 376(2)(N), 376(D)(A) of IPC, Section 17(18) and 5G/6 of POCSO Act, Sec. 92(D) Rights of Persons with Disabilities Act, 2016.

Learned counsel for the applicant argued that applicant is innocent and

has been falsely implicated. Statement of the mother of prosecutrix recorded under Section 161 of Cr.P.C clearly indicates that name of the present applicant has not been mentioned at the first instance, however, after report in police station the prosecutrix informed to her mother that present applicant is also present on the spot at the time of incident. Even in the statement of prosecutrix recorded under Section 164 of Cr.P.C., wherein, she has not attributed the role of the present applicant about sexual assault. Applicant is under custody since 09.10.2023. After conclusion of investigation, charge-sheet has already been filed, therefore, there is no requirement of further custodial interrogation of the applicant. Applicant is the permanent resident of District Ashoknagar (M.P.) and there is no possibility of his absconion or tampering with the prosecution evidence. Hence, prayed for grant of bail to the applicant.

On the other hand, learned State counsel vehemently opposed the bail application and prayed for its rejection.

Considering the facts and circumstances of the case, but without expressing any opinion on merits of the case, this application is **allowed** and it is directed that the applicant be released on bail on furnishing a personal bond in the sum of **Rs.50,000/- (Rupees Fifty Thousand only)** with one solvent surety in the like amount to the satisfaction of the trial Court/committal 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/her 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/she is accused;

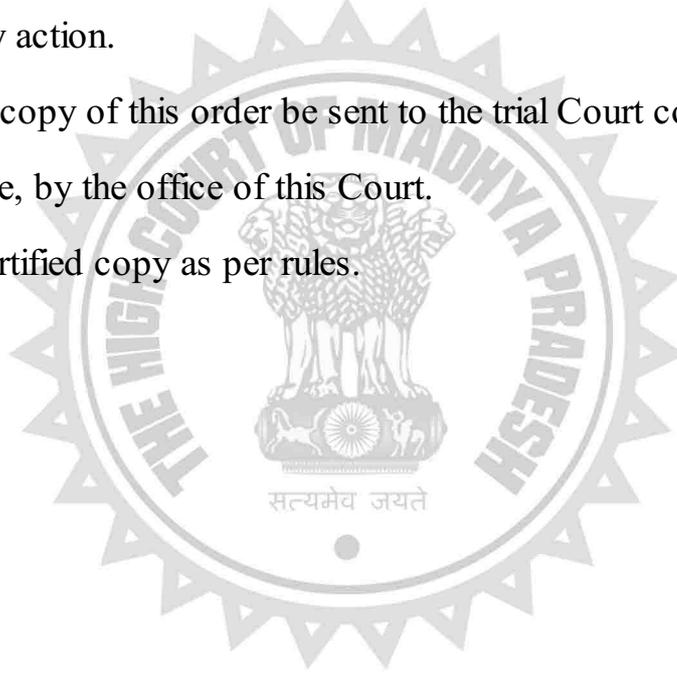
5) The applicant will not seek unnecessary adjournments during the trial; and

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

Learned State counsel is directed to send an e-copy of this order to the Station House Officer of the concerned Police Station for information and necessary action.

E- copy of this order be sent to the trial Court concerned for compliance, if possible, by the office of this Court.

Certified copy as per rules.



**(SUNITA YADAV)**  
**JUDGE**

(LJ\*)