

1 MCRC-24272-2024
IN THE HIGH COURT OF MADHYA PRADESH
AT GWALIOR
MCRC No. 24272 of 2024
(VISHRAM DHAKAD Vs THE STATE OF MADHYA PRADESH AND OTHERS)

Dated : 25-06-2024

Shri Sushil Goswami-Advocate for applicant.

Shri Rohit Shrivastava-Panel Lawyer for respondent.

Shri Vinod Kumar Dhakad-Advocate for complainant.

This is the **first** bail application filed under Section 439 of Cr.P.C. on behalf of applicant for grant of regular bail relating to FIR No.3/2024, registered at Police Station AJAK, District Sheopur (M.P.) for the offence punishable under Sections 376, 294, 506, 354 of IPC and under Section 3/4, 7/8 of POCSO Act and under Section 3(2)(v), 3(1)(w)(ii), 3(2)(va), 3(1)(da), 3(1)(dha) of SC/ST Act.

2. Learned counsel for the applicant submits that as per prosecution version, allegation against the present appellant is that he sexually assaulted the victim on 16/02/2024 while committing penetrated sexual assault and on 17/02/2024, he attempted to cause the same offence but the grand-mother of the victim reached on account of which the offence could not take place. It is further contended that the incidents as alleged are of 16/02/2024 & 17/02/2024 while the FIR was lodged on 28/02/2024 though the incident duly came in the notice of the family members of the victim on 17/02/2024 itself. It is further argued that investigation in the matter is complete and charge-sheet has already been filed. The medical examination of the applicant and the prosecution has already been carried out. Requisite samples for DNA have been taken and the DNA report has also been received. It is further argued that the DNA report is inconclusive and uninterpretable male DNA was found in undergarments but in all other

samples, no male DNA has been found. The applicant undertakes to cooperate in trial if he is granted benefit of bail. On the factum of antecedents as noted by the trial Court, it is submitted that he has already been acquitted by the concerned Court and the judgment of acquittal is placed on record. Hence, he prays for grant of bail.

3. Per contra, learned counsel for the respondent/State as well as the learned counsel for complainant/objector opposed the bail application and prayed for dismissal of the application.

4. Heard the counsel for the parties at length and perused the case diary.

5. Considering aforesaid circumstances, bail application filed by the applicant is allowed. It is directed that applicant shall be released on bail on furnishing personal bond in the sum of **Rs.1,00,000/- (Rupees One Lakh Only) with two solvent sureties** of the like amount each to the satisfaction of the trial Court for his regular appearance before Court on all such dates as may be fixed in this regard.

6. This order shall remain operative subject to compliance of following stringent conditions by the applicant, :-

a. The applicant will comply with all the terms and conditions of the bond executed by him;

b. 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;

c. The applicant will cooperate in the trial and he shall not commit an offence similar to the offence of which he is accused;

d. The applicant will not seek unnecessary adjournments during the trial;

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

f. The applicant shall not involve himself in any criminal activity in future otherwise, benefit of bail shall immediately be withdrawn.

g. In case of bail jump, this order shall become ineffective.

7. Application stands **allowed and disposed of**.

8. A copy of this order be sent to the trial Court concerned for compliance and information.

9. Certified copy as per rules.

(Dubey)



(VIVEK JAIN)
JUDGE