

HIGH COURT OF MADHYA PRADESH, BENCH AT INDORE

M CR C No. 48889 / 2021

LAKHAN Vs. STATE OF MP

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INDORE, Dated : 20/10/2021

Heard through video conferencing.

Mr. Shadab Khan, learned counsel for the petitioner.

Mr. Shashwat Seth, learned PL for the respondent – State.

This is first application under Section 439 of the Code of Criminal Procedure, 1973 filed on behalf of the applicant for grant of bail. The applicant is implicated in connection with Crime No.580/2021 registered at Police Station- Station Road, Ratlam, Distt. Ratlam (MP) for commission of offence punishable under Section 354, 354(क)(1)(i) of the Indian Penal Code. The applicant is in custody since 18/09/2021.

As per prosecution story, on 18/9/2021, mother of the prosecutrix has sent her with the applicant for mobile repairing, the present applicant had taken her to the Kalka Mata Garden and with bad intention, he caught hold hands of the prosecutrix and sexually harassed her. Public gathered there and the prosecutrix lodged FIR against the present applicant. Accordingly, offence has been registered against the present applicant.

Learned counsel for the applicants submits that the applicant is innocent person and has been falsely implicated in this case. He is a permanent resident of District Ratlam and he will not abscond from the course of justice. He is the sole butter earner of his family. He is not having any criminal antecedents. Investigation is over and charge sheet

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has been filed. Final conclusion of the trial is likely to take sufficiently long time. He, therefore, prays that applicant be released on bail.

Per contra, learned Government Advocate for respondent – State opposes the bail application and prays for its rejection but he fairly admits that there is no criminal antecedents against the applicant.

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

Considering the facts and circumstances of the case, nature and gravity of the allegation and also the fact that investigation is over and charge sheet has been filed and no further custodial interrogation of present applicant is required, applicant is in custody since 18/9/2021, trial will take considerable long time for its final conclusion, all the offences are triable by Judicial Magistrate, First Class, without commenting upon the merits of the case, I deem it proper to release the applicant on bail.

Accordingly, the application filed by the applicant is allowed. The applicants is directed to be released on bail on his furnishing personal bond in the sum of Rs.60,000/- (Rupees Sixty thousand only) with one solvent surety of the like amount each to the satisfaction of the trial Court for his regular appearance before the trial Court during trial with a condition that he shall remain present before the court concerned during trial and shall also abide by the conditions

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enumerated under Section 437 (3) Criminal Procedure Code, 1973.

Before releasing the applicant from custody, the jail authorities are directed to medically examine him in order to rule out the possibility of COVID-19 infections and shall comply with the direction given by the Hon'ble Apex Court in Writ Petition No.1/2020.

Certified copy as per rules.

(ANIL VERMA)
J U D G E

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