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

**BEFORE
HON'BLE SHRI JUSTICE SUSHRUT ARVIND DHARMADHIKARI
ON THE 25th OF MAY, 2023**

MISC. CRIMINAL CASE No. 22006 of 2023

BETWEEN:-

**RUPSINGH S/O SHRI BASKAR MORE, AGED ABOUT 55
YEARS, OCCUPATION: LABOUR, R/O. BALKHEDA
THANA BEDIYA DISTRICT KHARGONE (MADHYA
PRADESH)**

.....APPLICANT

(BY SHRI RAGHVENDRA SINGH BAIS, ADVOCATE)

AND

- 1. THE STATE OF MADHYA PRADESH STATION
HOUSE OFFICER THROUGH POLICE STATION
BHIKANGAON, DISTRICT KHARGONE (MADHYA
PRADESH)**
- 2. VICTIM X THROUGH P.S. BHIKANGAON, DIST.
KHARGONE (MADHYA PRADESH)**

.....RESPONDENTS

(BY SHRI AMIT RAWAL, GOVT. ADVOCATE)

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

ORDER

Case diary is perused.

2. Learned counsel for the rival parties are heard.

3. The applicant has filed this first application u/S. 439 of Cr.P.C. for grant of bail.

4 . The applicant has been arrested on 5.4.2023 by Police Station-
Bhikangaon, District Khargone (M.P.), in connection with Crime No.60/2023,

registered in relation to the offence punishable under Sections 363, 366(A), 376(3), 376(2)(n) of the Indian Penal Code and under Section 3/4, 5(L)/6 of POCSO Act.

5. As per prosecution, on 30.1.2023 complainant with her children was sleeping. In the morning when she woke up she saw that her grand daughter (prosecutrix) was missing. On the complaint a missing person report was registered and search for the prosecutrix was made and she was eventually recovered.

6. Learned counsel for the applicant submits that the applicant has been falsely implicated in the case. He is in custody since 5.4.2023. Charge-sheet has been filed and no further custodial interrogation is required. The main allegation is against the co-accused Rohit. From the statement of the prosecutrix recorded under Section 164 of the Cr.P.C no allegation whatsoever has been levelled against the present applicant. The only allegation against the applicant is that he was standing there at the time when other co-accused person took the prosecutrix along with them. The applicant is in custody for more than one month. Trial will take time. There is no likelihood of his absconsion or tampering with the prosecution evidence and he is ready to abide by the terms and conditions as may be imposed. With the aforesaid submissions, prayer for grant of bail is made out.

7. Learned Public Prosecutor for the respondent/State opposed the application contending that on the basis of the allegations and material available on record, no case for grant of bail is made out. On these grounds, he prays for rejection of application.

8. However, it would not be desirable to enter into the merits of the rival contentions at this juncture.

9. Considering the overall facts and circumstances of the case coupled with the fact that the trial is not likely to conclude in near future and prolonged pre-trial detention being an anathema to the concept of liberty, this Court is inclined to extend the benefit of bail to the applicant.

10. Accordingly, without expressing any opinion on merits of the case, this application is **allowed** and it is directed that the applicant (**Rup Singh S/o. Bhaskar More**) be released on bail on furnishing a personal bond in the sum of **Rs.50,000/- (Rupees Fifty Thousand only)** with one solvent surety of the like amount to the satisfaction of the trial Court/committal Court for his appearance on the dates given by the concerned Court.

11. This order will remain operative subject to compliance of the following conditions by the applicant:-

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

(ii). The applicant will cooperate in the investigation/trial, as the case may be;

(iii). 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;

(iv). **The applicant shall not commit any other offence during pendency of the trial, failing which this bail order shall stand cancelled automatically, without further reference to the Bench;**

(v). The applicant will not seek unnecessary adjournments during the trial;
and

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

12. A copy of this order be sent to the trial court concerned for compliance.

Certified copy as per rules.

(S.A. DHARMADHIKARI)

V. JUDGE

ss/-

