

THE HIGH COURT OF MADHYA PRADESH

M.Cr.C. No. 48783/2018

(*Surendra Ahirwar Vs. State of M.P.*)

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Jabalpur, Dated : 06.12.2018

Shri D.K. Singrore, counsel for the applicant.

Shri Vivek Lakhera, G.A. for the respondent / State.

Heard with the aid of case diary.

This is **second** application of the applicant **Surendra Ahirwar** filed under section 439 Cr.P.C. for grant of bail in connection with Crime No. 05/2018 registered at Police Station Tikariya, District Mandla (M.P.) for the offence punishable under Section 363, 366, 376/34 of IPC and Section 3, 4 of POCSO Act.

The first bail application of the applicant has been dismissed for want of prosecution vide order dated 14.11.2018 passed in M.Cr.C. No. 38774/2018.

As per the prosecution case, on 18.01.2018 co-accused Munni abducted the prosecutrix, who was minor at the time of incident, and took her to Chhatarpur where applicant meet her who kept her and also sexually exploited her on the pretext of marriage due to which prosecutrix got pregnant.

Learned counsel for the applicant submits that applicant has not committed any offence and has falsely been implicated in the offence. It is further submitted that the statement of the prosecutrix has been recorded by the trial court. She did not support the prosecution case. Charge-sheet has been filed. The applicant is in custody since 06.07.2018 and the conclusion of trial is likely to take long time, hence prayed for release of the applicant on bail.

Learned counsel for the State opposed the prayer and submitted that co-accused Munni abducted a minor girl and thereafter applicant sexually exploited her, so he should not be released on bail.

Looking to the facts and circumstances of the case and as to the fact that statement of the prosecutrix has been recorded by the trial court and the applicant is in custody since 06.07.2018, charge-

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sheet has been filed and conclusion of trial is likely to take long time, without commenting on the merits of the case, the application is allowed and the applicant is directed to be released on bail upon his furnishing personal bond in the sum of **Rs.50,000/- (Rs. Fifty Thousand Only)** with **one surety** in the like amount to the satisfaction of the concerned Court for his appearance before the trial Court on all such dates as may be fixed in this behalf by the trial Court during the pendency of trial.

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 trial;
3. The applicant will not indulge himself in extending inducement, threat or promise to any person acquainted with the fact 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;
4. The applicant shall not commit an offence similar to the offence of which he 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.
C.C. on payment of usual charges.

(Rajeev Kumar Dubey)
Judge