

THE HIGH COURT OF MADHYA PRADESH

M.Cr.C. No. 49726/2018

(Sunehare Yadav Vs. State of M.P.)

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Jabalpur, Dated : 13.12.2018

Shri S.K. Patel, counsel for the applicant.

Ms. Shobhna Sharma, P.L. for the respondent / State.

Heard with the aid of case diary.

This is **second** application of the applicant ***Sunehare Yadav*** filed under section 439 Cr.P.C. for grant of bail in connection with Crime No. 40/2018 registered at Police Station Mawai , District Mandla (M.P.) for the offence punishable under Sections 450, 376, 511 & 324 of the IPC.

The first bail application of the applicant has been dismissed as withdrawn vide order dated 17.09.2018 passed in M.Cr.C. 36802/2018 with liberty to file afresh after recording the statement of prosecutrix.

As per prosecution case, on 06.08.2018 at 8 pm applicant came to prosecutrix house situated at village Mohgaon and confined her in a room, thereafter he tried to commit rape with her and also assaulted her.

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 statement of the prosecutrix (PW-1) has been recorded before the trial court. She turned hostile and did not support the prosecution case. The applicant is in custody since 09.08.2018 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.

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 that the applicant is in custody since 09.08.2018 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**

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surety in the like amount to the satisfaction of the concerned C.J.M/trial 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 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 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/Investigating Officer, as the case may be.
- C.C. on payment of usual charges.

(Rajeev Kumar Dubey)
Judge