

M.Cr.C. No. 5840/2014

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

31/07/2014

Shri Sushil Goswami, Advocate for the applicant.

Ku. Chitra Saxena, PL for the respondent/State.

Heard.

Perused the case diary.

1. This is the first bail application filed by the applicant under Section 438 of the Cr.P.C. for grant of anticipatory bail apprehending his arrest in connection with crime No. 02/14 registered at police station Shamsabad (Azak), District Vidisha for the offences punishable under Sections 376(D) of IPC and Section 3(2)(V), 3(1)(XII) of SC/ST Act (Prevention of Atrocities).
2. Case diary is received from the concerned police station.
3. Learned counsel for the applicant submits that applicant has been falsely implicated in this case. He has not committed any offence as alleged by the prosecution. Learned counsel further pleads that the prosecutrix aged 19 years did not lodge any report against the applicant/accused on 30/05/2014. As per FIR, the date of incident is 30/05/2014 whereas the said report was lodged after five days on 04/06/2014. Learned counsel further contends that the prosecutrix herself has tendered her affidavit stating that the applicant has not committed alleged rape with her and she did not lodge any report against the applicant/accused. On the aforesaid ground learned counsel for the applicant prayed for anticipatory bail.

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4. Learned Panel Lawyer opposing the submission made on behalf of the applicant has prayed for rejection of the bail application.

5. On perusal of the record, it gets clear that the alleged offence was committed on 30/05/2014 and the said report was lodged after five days on 04/06/2014. Apart from this the prosecutrix has tendered her affidavit as stated earlier.

6. Considering the aforesaid facts and circumstances of the case, this application is allowed on the following terms.

7. It is hereby directed that in the event of arrest, the applicant shall be released on bail on his furnishing personal bond of **Rs. 25,000/- (Rs. Twenty Five Thousand Only)** with one solvent surety in the like amount to the satisfaction of Arresting Authority.

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

1. The applicant shall comply with all the terms and conditions of the bond executed by him;
2. The applicant shall cooperate in the investigation/trial, as the case may be;
3. The applicant shall 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;

A copy of this order be sent to the Court concerned for compliance.

C.C. as per rules.

(M. K. Mudgal)
Judge

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