

M.Cr.C.No.3192/2014 (Mohan alias Sheru Vs. State of M.P) 1

30.4.2014.

Applicant by Shri M.M. Tripathi, Advocate.

Respondent/State by Shri B. Raj Pandey, Public Prosecutor.

Heard.

Perused the case diary.

This is first application under Section 439 of Cr.P.C. The applicant has been arrested in Crime No.161/2014 registered at Police Station, Janakganj, District Gwalior for the offence punishable under Sections 366 and 34 of IPC.

According to prosecution case, complainant-victim lodged a report at Police Station on 10.2.2014 that she was going to Dr. Ramesh for taking medicine in regard to pain in her stomach. When she reached Gramin Bank near clinic of Dr. Ramesh, from her back Mohan Jatav @ Sheru along with his associate, came on motorcycle. Mohan Jatav forcibly shifted her on the motorcycle. When she raised alarm, cloth was put in her mouth. Then, complainant-victim jumped from the motorcycle, as a result of which, she sustained injuries on her head and she became unconscious.

Learned counsel for the applicant submits that applicant has falsely been implicated in the case. He has not committed any offence. Learned counsel further submits that the report of the incident has been lodged after 10 days of the alleged incident. The applicant is in custody since 15.2.2014. Trial is likely to take time.

Hence, prayed for bail.

The prayer is opposed by learned Public Prosecutor.

Case diary perused.

Considering the allegation against the applicant and the fact that the report of the incident has been lodged after ten days, but without commenting anything on the merits of the case, the application is allowed. It is directed that the applicant shall be released on bail on his furnishing personal bond in the sum of Rs.50,000/- (Rupees Fifty Thousand Only) with one solvent surety in the like amount to the satisfaction of **Trial Court.**

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 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;
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

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of the trial Court/Investigating Officer, as the case may be.

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

C.C. as per rules.

(D.K.Paliwal)
Judge

pawar/-