

29.05.2014

Shri Pradeep Katare, Advocate for the applicant.

Shri Devendra Chauabey, P.P. for the respondent/Stat.

Heard.

This is first bail application filed by the applicant under Section 439 of the Cr.P.C. for grant of bail.

The applicant is in jail since 23.4.2014 in connection with Crime No.80/14 registered at Police Station Badoni, District Datia (M.P.) for the offences punishable under Section 354 of IPC read with Section 8 of Prevention of Sexual offences against Children Act, 2012.

It is alleged that the complainant Kamla Prasad lodged report against the accused on 16.4.2014 that when the complainant and his daughters were sleeping at the side of the grain, the applicant outraged the modesty of his minor daughter. On behalf of the applicant, it is submitted that he is in custody since 23.4.2014. It is submitted that the applicant is innocent and he has been implicated due to previous enmity with the complainant. It is also submitted that there was a struggle between the applicant and the complainant for the use of threshing machine and because of this the complainant was annoyed with him.

The application is opposed by learned Public Prosecutor.

The incident is said to be occurred on 16.4.2014. The applicant is permanent resident of village Arai, P.S.Badoni.

Keeping in view the fact that it will take considerable

time for disposal of the criminal case, the application is allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond in a sum of **Rs.30,000/- (Rs. Thirty Thousand only)** with one surety in the like amount to the satisfaction of the trial Court for securing his presence before the said Court on all the dates of hearing fixed in this regard during 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 themselves 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 they are accused;
5. The applicant will not seek unnecessary adjournments during the trial; and
6. In case of any breach of any of the conditions above the learned Trial Court would be at liberty to reconsider on the question of bail.

Certified copy as per rules.

(Sushil Kumar Palo)
Vacation Judge