

29/05/2014

Shri Pradeep Katare, Advocate for the applicant Devendra Singh.

Shri G.S.Chauhan, Panel Lawyer for the respondent/ State.

This is the first application under section 439 of Cr.P.C.

Case diary has been produced by the Public Prosecutor.

Arguments heard and case-diary perused.

Applicant Devendra Singh has been arrested on 7.4.2014 in connection with Crime No.43/2014 registered at Police Station Roun, District Bhind for the offences punishable u/Ss. 363, 366-A, 323, 336, 376 of IPC and Sections 11, 12 of the Protection of Children from Sexual Offences Act, 2012.

On perusal of the case diary it seems that the incident occurred on 2.4.2014. On the same day, report was lodged by Kanhaiyalal, father of the prosecutrix. Allegations were made in the FIR that in the fateful night at about 1.00 a.m. Dilip, Umesh, Virendra, Jitendra S/o Kishan, Jitendra Thakur all were entered into the house of daughter of Kanhaiyalal. All the persons armed with fire arms. Thereafter prosecutrix was kidnapped by them. In the entire FIR and statement of prosecutrix, no overt act was assigned to the applicant Devendra Singh except that in the commission of offence

accused persons were helped by the applicant and other co-accused Vinod, but how help was extended, it was not mentioned.

Prayer for bail is opposed by the prosecution.

Looking to the fact that the investigation has already been completed, without commenting on the merits of the case, the present application is allowed and it is directed that the applicant be released on bail on his furnishing a personal bond in the sum of **Rs.1,00,000/- (Rs. One Lac only)** with two solvent sureties of Rs.50,000/- each to the satisfaction of the Trial Court for his regular appearance before the trial Court on the condition that he shall remain present before the Court concerned during the trial and shall also comply with the conditions enumerated under Section 437(3) of Cr.P.C. and so also as imposed by the trial Court.

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

Certified copy as per rules.

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(B.D. Rathi)
V.Judge