

MCRC-6478-2016

(ISHWAR SINGH Vs THE STATE OF MADHYA PRADESH)

29-09-2016

Shri Satanand Choubey, learned counsel counsel for the applicant.

Shri Himanshu Joshi, learned Panel Lawyer for the respondent/State.

Heard.

This is the first application filed under section 439 of Cr.P.C. 1973 for grant of bail by the applicant, who is in custody since 31/05/2016 in connection with Crime No.241/2016 registered by Police Station Agar, District Agar Malwa and (M.P.) A.J.K. for the alleged offences punishable under Sections 366, 376,368, 506, 342/34 of the IPC and under Section 3(2)(5) and 3(2)(5(A) of S.C. & S.T. Act and 3 / 4 of POSCO Act.

The contention of the learned Counsel is that initially a report was lodged on 15.5.2016 about a missing person by one Sardar that his daughter was missing and thereafter Crime No.241/2016 has been registered under the aforesaid offences. It has been submitted that the statement of the prosecutrix was recorded under Section 161 of the Cr.P.C.and his contention is that the girl in question has never stated that she was subjected to rape by the present applicant. It has also been submitted that the allegation of rape is against one Dheera. It has further been submitted that in similar circumstances bail has been granted to the Co-accused persons Balusingh and Dilipsingh. Learned Counsel for the applicant has prayed for grant of bail.

On the other hand, learned Panel Lawyer has opposed the prayer.

After hearing learned Counsel for the parties and after perusing the case diary and also keeping in view of the fact that in similar circumstances the co-accused persons namely Balusingh and Dilipsingh have been granted bail in M.Cr.C.No.6029/2016, this application deserves to be allowed and is accordingly allowed and the applicant is directed to be released on bail on his furnishing personal bond for a sum of **Rs.50,000/- (Fifty Thousand Rupees)** with one surety in the like amount to the satisfaction of concerned Court for his appearance before trial Court on all dates of hearing as may be fixed in this regard during the pendency of trial.

This order will remain operative subject to compliance of the following conditions by the applicants:-

1. The applicant will comply with all the terms and conditions of the bond executed by them;
2. The applicant will co-operate 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 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. as per rules.

(S.C.SHARMA)
JUDGE