

MCRC-12942-2017

(SUNIL KUMAR SONWANE Vs THE STATE OF MADHYA PRADESH)

31-08-2017

Shri Sanjay Sharma, learned counsel for the applicant.

Shri Amitabh Bharti, learned Panel Lawyer for the respondent/State.

Heard with the aid of case diary.

This is First bail application under section 439 of the Cr.P.C. for grant of bail filed by the applicant-Sunil Kumar Sonwane in connection with Crime No.252/2017 registered at Police Station Lalbarra, District Balaghat for the offences punishable under Sections 376, 376 (2) (dha), 294 and 506/34 of the IPC.

As per the prosecution case on 10.04.2016, applicant called the prosecutrix in a field situated at Village Khirri and committed sexual intercourse with her on the pretext of marriage and thereafter, used to commit intercourse on the pretext of marriage and also took her to Dongargarh and Nagpur.

Learned counsel for the applicant submits that applicant has not committed any offence and he has falsely been implicated in the offence. The prosecutrix is a major lady and is a consenting party. He further submits that the applicant is in custody since 11.07.2017. The conclusion of trial would likely to take long time, hence prayed for release of the applicant on bail.

On the other hand, learned counsel for the respondent/State opposed the prayer and submitted that sufficient evidence is available to connect the applicant with the offence in question.

After hearing learned counsel for the parties, considering the facts and circumstances of the case and as to the fact that charge-sheet has been filed and conclusion of trial will take time and the applicant is in custody since 11.07.2017, so without commenting on the merits of the case, the application is allowed and the applicant is directed to be released on bail upon his furnishing personal bond in the sum of Rs.50,000/- (Rs. Fifty

Thousand Only) with one surety in the like amount to the satisfaction of the concerned C.J.M/trial Court for his appearance before the trial Court on all such dates as may be fixed in this behalf by the trial Court during the pendency of 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 his;
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 fact 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. on payment of usual charges.

(RAJEEV KUMAR DUBEY)
JUDGE

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