

The High Court Of Madhya Pradesh

MCRC-48096-2018

(DINESH MAHRA Vs THE STATE OF MADHYA PRADESH)

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Jabalpur, Dated : 31-12-2018

Shri Sanjeev Kumar Tiwari, learned counsel for the applicant.

Shri Pramod Choubey, learned G.A. for the respondent/State.

Heard with the aid of case diary.

This is first application under Section 439 of the Cr.P.C. for grant of bail in connection with Crime No.165/2018 registered at Police Station Karanpathar District Anuppur (M.P.) for the offence punishable under Sections 376 and 506 of the IPC.

As per prosecution case, on 08.11.2018 at 04.00 pm, the applicant came to prosecutrix's house situated at village Saraipatera, Distt. Anuppur and committed rape with her and also threatened to kill her.

Learned counsel for the applicant submits that the applicant is innocent and has falsely been implicated in the offence. The alleged offence is said to have occurred on 08.11.2018, while the prosecutrix lodged the report on 09/11/2018 and there is no plausible explanation regarding delay in lodging the FIR. The prosecutrix was major. Her statement is also not corroborated from her medical examination report. The applicant is in custody since 11.11.2018. The charge-sheet has been filed and conclusion of trial is likely to take long time, hence prayed for release of the applicant on bail.

Learned counsel for the respondent/State opposed the prayer and submitted that the applicant committed rape with a widow lady, so he should not be released on bail.

Considering the facts and circumstances of the case and as to the fact that the applicant is in custody since 11.11.2018 and charge-sheet has been filed and conclusion of trial will take time, without commenting on the merits of the case, the application is allowed and the applicant **Dinesh Mahra**, is directed to be released on bail upon 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 him;
2. The applicant will cooperate in the trial;
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 them 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.

Certified copy as per rules.

(RAJEEV KUMAR DUBEY)
V. JUDGE

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