

The High Court Of Madhya Pradesh

MCRC-52034-2018

(ALOKMANI PAYASI Vs THE STATE OF MADHYA PRADESH)

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Jabalpur, Dated : 31-12-2018

Shri Manish Datt, learned Senior counsel with Shri Rahul Sharma, learned counsel for the applicant.

Shri A.N.Gupta, learned Govt. Advocate for the respondent /State.

The verification report of the affidavit filed by the prosecutrix has been received.

Heard learned counsel for the parties.

This is first application under Section 438 of the Cr.P.C. as applicant Alokmani Payasi apprehend his arrest in connection with Crime No.179/2018 registered at Police Station Kothi, District - Satna (M.P.) for the offence punishable under Sections 376(2)(b), and 506-II of the Indian Penal Code.

As per the prosecution case, on 13.10.2018 the applicant abducted the prosecutrix and took her to near Shri Hanuman Temple situated at Chitrakoot road by Discover Motor-cycle bearing registration No.MP-19/8668 where he committed rape with the prosecutrix and also threatened her that if she narrate the incident to any body, he would kill her.

Learned counsel for the applicant submits that the applicant is innocent and has falsely been implicated in the case. The offence is said to have occurred on 13.10.2018 and the prosecutrix lodged the report on 18.10.2018. The prosecutrix was major and she has also filed an affidavit stating therein that the applicant had not committed any offence with her. The applicant has no criminal past. The applicant is also ready to cooperate in the investigation and trial. In the event of arrest, his reputation will be ruined. Under these circumstances, applicant prays for anticipatory bail.

Learned counsel for the respondent/State opposed the prayer for grant of anticipatory bail and submitted that the applicant committed rape with the prosecutrix and so he should not be entitled for grant of anticipatory bail.

Looking to the facts and circumstances of the case and as to the fact that the offence is said to have occurred on 13.10.2018, while the prosecutrix lodged the report on 18.10.2018 and she was major, so without commenting on the merits of the case, the application is **allowed** and it is directed that in the event of arrest of applicant by the Police in the aforesaid case, the applicant shall be released on bail on his furnishing a personal bond in the sum of **Rs.50,000/- (Rupees Fifty Thousand only)** with one surety in the like amount to the satisfaction of the Arresting officer/Investigating Officer for his regular appearance before the Police during the investigation or before the Court 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 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.

Certified copy as per rules.

(RAJEEV KUMAR DUBEY)
V. JUDGE

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