

The High Court Of Madhya Pradesh

MCRC-12394-2019

(SONU SAKET Vs THE STATE OF MADHYA PRADESH)

Jabalpur, Dated : 29-03-2019

Shri P.S. Gaharwar, counsel for the applicant.

Shri Satyendra Jyotshi, Govt. Advocate for the respondent/State.

None for the complainant/prosecutrix despite compliance of provisions of Section 439(1)-A by the respondent/State.

Heard with the aid of case diary.

This is **Third** bail application of the applicant Sonu Saket filed under section 439 Cr.P.C. for grant of bail in connection with Crime No.274/2018 registered at Police Station Chorhata, District Rewa for the offence punishable under Section 376 of IPC and Section 7/8 of POCSO Act.

First bail application of the applicant has been dismissed as withdrawn with liberty to file afresh after recording the statement of the prosecutrix by this court vide order dated 04.09.2018 in M.Cr.C.No.28759/2018 and second bail application has been dismissed as withdrawn by this court vide order dated 02.01.2019 in M.Cr.C.No. 46385/2018.

As per the prosecution case, on 28.01.2018 applicant committed rape with the prosecutrix, who was minor, due to which she became pregnant.

Learned counsel for the applicant submits that applicant has not committed any offence and has falsely been implicated in the offence. The statement of the prosecutrix has been recorded by the trial court. She did not support the prosecution story and turned hostile. Charge-sheet has been filed. The applicant is in custody since 22.06.2018 and the conclusion of trial is likely to take long time, hence prayed for release of the applicant on bail.

Learned counsel for the State opposed the prayer and submitted that applicant committed rape with a minor girl. So, he should not be released on bail.

Looking to fact and circumstances of the case and as to the fact that the statement of the prosecutrix has been recorded by the trial court and the fact that charge-sheet has been filed, applicant is in custody since 22.06.2018 and conclusion of trial will take time, 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 concerned 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 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.

C.C. on payment of usual charges.

(RAJEEV KUMAR DUBEY)
JUDGE

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