

The High Court Of Madhya Pradesh

MCRC-33938-2021

(RAJESH Vs THE STATE OF MADHYA PRADESH)

Jabalpur, Dated : 31-07-2021

Heard through Video Conferencing.

Shri Manish Datt, Sr. Counsel with Shri Nishank Pal Varma, learned counsel for the applicant.

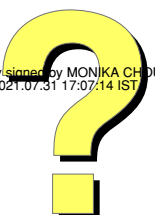
Shri Sunil Gupta, learned P.L. for the respondent/State.

Case diary perused.

This is first application under Section 439 of the Cr.P.C. for grant of bail. Applicant Rajesh was arrested on 24/6/2021 in connection with Crime No.148/2010 registered at Police Station Gourijhamar, Distt. Narsinghpur (MP) for the offence punishable under Sections 366, 376(2)(g), 450 and 506 (Part-II), 368 and 109 of the IPC.

It appears from the record that the applicant is facing trial in S.T.No.44/2021 pending before Additional Sessions Judge Deori, Distt. Sagar (MP) for the offence punishable under Sections 366, 376(2)(g), 450 and 506 (Part-II), 368 and 109 of the IPC. Earlier, learned trial Court granted bail to the applicant, but during trial of the case on 28/6/2012 applicant did not appear before the trial Court. On that, the trial Court forfeited his bail bonds and issued arrest warrant against the applicant for securing his presence before the Court and thereafter on 1/3/2013 trial Court declared the applicant absconder and issued perpetual warrant against him for securing his presence before the Court. In pursuance of that, Police arrested the applicant on 24/6/2021 and produced him before the trial Court. The trial Court sent him into judicial custody and since then the applicant is in judicial custody. Thereafter, the applicant filed bail application, which was rejected by the trial Court vide order dated 2/7/2021.

Learned counsel for the applicant submitted that due to unavoidable reasons, the applicant could not appear before the trial Court on the date fixed for his appearance. The applicant has been in custody since 24/6/2021



and conclusion of trial will take time, hence prayed for release of the applicant on bail.

Learned counsel for the respondent/State opposed the prayer.

Looking to the facts and circumstances of the case and the fact that the applicant has been in custody since 24/6/2021, so he learnt the lesson and is unlikely to hinder the progress of the trial again, so without commenting anything on the merits of the case, the application is allowed. It is directed that the applicant shall be released on bail on furnishing personal bond in the sum of Rs.50,000/- (Rupees Fifty Thousand Only) with one solvent surety in the like amount to the satisfaction of trial Court.

Learned trial Court is free to forfeit such amount from his personal bonds and bail bonds as may be deemed fit after following the due procedure. The order shall 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 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 prior permission of the trial Court.
- C.C. as per rules.

(RAJEEV KUMAR DUBEY)
JUDGE

