

1
**IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR**

**BEFORE
HON'BLE SHRI JUSTICE VIVEK AGARWAL
ON THE 31st OF MARCH, 2022**

MISC. CRIMINAL CASE No. 15750 of 2022

Between:-

**DEEPAK SURYAWANSHI S/O CHANDAR SINGH
SURYAWANSHI , AGED ABOUT 21 YEARS,
OCCUPATION: LABOUR R/O PATLONA, BIJORI,
DISTRICT SEHORE (M.P.) (MADHYA PRADESH)**

.....PETITIONER

(BY SHRI M. SHAFIQULLAH, COUNSEL FOR THE APPLICANT)

AND

- 1. THE STATE OF MADHYA PRADESH THROUGH
POLICE STATION MANDI DISTRICT SEHORE (M.P.)
(MADHYA PRADESH)**
- 2. VICTIM A D/O NOT KNOWN NOT MENTION
(MADHYA PRADESH)**

.....RESPONDENTS

(BY SHRI ATMARAM BEN, DEPUTY GOVERNMENT ADVOCATE)

.....
This application coming on for admission this day, the court passed the following:

ORDER

This is first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 (for brevity "Cr.P.C").

Case crime No.576/2021 is registered at Police Station Mandi, District Sehore for the offences punishable under Sections 363, 366, 376(2)(N) of I.P.C. and 5/6 of POCSO Act 2012.

Learned counsel for the applicant submits that the applicant is innocent and he has been falsely implicated in this case. The victim in her 164 statements recorded before the trial court on 28/01/2022 has not said anything so to constitute offence under Section 376 (2)(n) of I.P.C. The applicant is in custody since 28/01/2022. The investigation is complete and charge-sheet is filed.

Learned Deputy Government Advocate, on the other hand, opposes the

bail application.

Taking into consideration the facts and circumstances of the case, without commenting on the merits, this application is **allowed**.

It is directed that applicant be released on bail on his furnishing a personal bond in sum of **Rs.50,000/- (Rupees Fifty Thousand Only)** with two solvent sureties of the like amount to the satisfaction of the Trial Court to appear before the Court on the dates given by the concerned Court during pendency of trial. It is further directed that the applicant shall comply with the provisions of Section 437(3) of the Cr.P.C.

This order shall be effective till the end of the trial, however, in case of bail jump and breach of any of the pre-condition of bail, it shall become ineffective.

In view of the outbreak of new mutant Omicron of COVID-19, the jail authorities and the State Government are directed to follow the guidelines issued by the Health Ministry in the wake of Novel Corona Virus before and after releasing the applicant.

Certified copy as per rules.

(VIVEK AGARWAL)
JUDGE