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**IN THE HIGH COURT OF MADHYA PRADESH
AT GWALIOR**

**BEFORE
HON'BLE SMT. JUSTICE SUNITA YADAV
ON THE 31st OF JANUARY, 2024**

MISC. CRIMINAL CASE No. 1589 of 2024

BETWEEN:-

**SATYVEER SINGH KUSHWAH S/O LATE BHAGWAN
SINGH KUSHWAH, AGED ABOUT 28 YEARS,
OCCUPATION: LABOUR, R/O GRAM MAHUA, POLICE
THANA MAHUA DISTRICT MORENA (MADHYA
PRADESH)**

.....APPLICANT

(BY SHRI UMMED SINGH TOMAR - ADVOCATE)

AND

**THE STATE OF MADHYA PRADESH THROUGH POLICE
THANA MAHUA, DISTRICT MORENA (MADHYA
PRADESH)**

.....RESPONDENT

(BY SHRI RAVINDRA SINGH KUSHWAHA - PUBLIC PROSECUTOR)

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

ORDER

This is **first** application filed by the applicant under Section 439 of the Cr.P.C. for grant of bail relating to Crime No. 142 of 2023 registered at Police Station Mahua, District Morena (M.P.) for the offence under Sections 363, 376 of IPC & Sections 7/8 of POCSO Act.

Learned counsel for the applicant argued that the applicant is innocent and has been falsely implicated. It is further argued that the prosecutrix in her statements recorded u/S.164 of Cr.P.C. specifically stated that she left her house on her own volition. She lived with applicant/accused in Pune and other

places and she also travelled in public transport on different places, however, there is no evidence that she ever tried to resist or raise alarm. It is further submitted that the applicant and prosecutrix solemnized marriage with each other and living together as husband and wife. The applicant is in custody since 11.12.2023. Investigation in the matter is over by filing of charge-sheet, therefore, custodial interrogation is no more required. The applicant has no criminal antecedents and he is permanent resident of District Morena (M.P.) and there is no possibility of his absconding or tempering with prosecution case. On these grounds, he prays for grant of bail to the applicants.

Per contra, learned counsel for the State has vehemently opposed the bail application and prayed for its rejection.

Heard learned counsel for the rival parties and perused the case diary available on record.

Considering the facts and circumstances of the case, but without expressing any opinion on merits of the case, this application is **allowed** and it is directed that the applicant be released on bail on furnishing a 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 the trial Court/committal Court.

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/her 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/she 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.

Learned State counsel is directed to send an e-copy of this order to the Station House Officer of the concerned Police Station for information and necessary action.

E- copy of this order be sent to the trial Court concerned for compliance, if possible, by the office of this Court.

Certified copy as per rules.

(SUNITA YADAV)
JUDGE

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