

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

MCRC No. 24871 of 2024
(*SONU PRAJAPATI VS. STATE OF MADHYA PRADESH*)

Dated: 20-07-2024

Appearance:

Shri Jitendra Sharma- Advocate for applicant.

Shri Alok Sharma- Public Prosecutor for respondent- State.

ORDER

This **first** application has been filed by applicant under Section 439 of Code of Criminal Procedure, 1973 for grant of bail in connection with Crime No.151 of 2024 registered at Police Station Banmore, District Morena for offence punishable under Section 370 of IPC. Applicant is in judicial custody since 17-05-2024.

As per the case of prosecution, Police Force of PS Banmore, District Morena intercepted one vehicle. One lady sitting in vehicle reported that other persons abducted her and were taking to sell her in Rajasthan. The victim was taken to PS Banmore. She reported that she was boarding train for Jammu from Chhattisgarh Railway Station. An unknown lady offered her labour job. So, she went with them. She was taken to a village. One of ladies, namely, Kalawati forcibly married her to her son Ravindra Lodhi. She was harassed mentally and physically. She was compelled to do labour job. On 09-04-2024, she was taken to Rajasthan for human trafficking. Meanwhile, police intercepted their vehicle. On such allegations, PS Banmore registered FIR at Crime No.151 of 2024 for offence punishable under Section 370 of IPC against Kalawati, Ravindra and three unknown offenders. Sharda Kewat, Deepika Yadav, Bhupendra Singh, Raghupat Lodhi, Ravindra Lodhi and Kalawati were arrested on spot on 09-04-2024 itself. Pawan Lodhi in his

statement recorded under Section 27 of the Evidence Act informed that Sonu Prajapati (applicant) was in associate in the alleged offence. Applicant was arrested on 17-05-2024, he is in custody ever since. On completion of investigation, Final Report was submitted on 05-06-2024.

Learned Counsel for the applicant, in addition to the grounds mentioned in the application, submits that applicant has been falsely implicated in this matter merely on suspicion and on the basis of statement of co-accused Pawan Lodhi in police custody. There is no connecting evidence against applicant except implication of co-accused in police custody. Learned Counsel submits that the applicant is aged around 28years. He is labourer by profession. There is no likelihood of absconsion leaving his family, home and profession. No criminal antecedent is reported against applicant. No further custodial interrogation is needed in the matter. There is no likelihood of tampering with evidence by the applicant. The trial would take time to complete. Learned Counsel submits that co-accused Deepika has been extended the benefit of bail by this Court vide order dated 29th of May, 2024 passed in MCRC No.18632 of 2024. Therefore, the applicant may also be extended the benefit of bail.

Per contra, learned counsel for the State opposes the bail application on the ground of gravity of alleged offence and prays for its rejection.

Heard learned counsel for the parties and perused the case diary.

Considering the arguments advanced by both the parties and overall circumstances of the case, but without commenting on merits of the case, this Court is inclined to release the applicant on bail. Thus, the application is allowed.

Accordingly, it is directed that **applicant- Sonu Prajapati** shall be released on bail in relation to Crime No.151 of 2024 registered at Police

Station Banmore, District Morena for offence punishable under Section 370 of IPC, upon furnishing a personal bond in the sum of **Rs.50,000/- (Rupees Fifty Thousand Only)** with one solvent surety of the same amount to the satisfaction of the Trial Court, for compliance with the following conditions,:

(1) Applicant shall remain present on every date of hearing as may be directed by the concerned court;

(2) Applicant shall not commit or get involved in any offence of similar nature;

(3) Applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them/him/her from disclosing such facts to the Court or to the police officer;

(4) Applicant shall not directly or indirectly attempt to tamper with the evidence or allure, pressurize or threaten the witness;

(5) During trial, the applicant shall ensure due compliance of provisions of Section 309 of Cr.P.C. regarding examination of witnesses in attendance;

This order shall be effective till the end of trial. However, in case of breach of any of the precondition of bail, the Trial Court may consider on merit cancellation of bail without any impediment of this order.

The trial Court shall get these conditions reproduced on the personal bond by the accused and on surety bond by the surety concerned. If any of them is unable to write, the scribe shall certify that he had explained the conditions to the concerned accused or the surety.

C.C. as per rules

**(SANJEEV S. KALGAONKAR)
JUDGE**