

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

Misc. Criminal Case No.29415 of 2024

[PARWAT SINGH VS. STATE OF MADHYA PRADESH & ANR.]

Dated : 20.07.2024

Shri Rajesh Pathak - Advocate for the applicant.

Shri P.P.S. Vajeeta- Public Prosecutor for respondent/State.

This **first** application has been filed by applicant under Section 439 of CrPC for grant of bail in connection with Crime No.336 of 2023 registered at Police Station Chachauda, District Guna (M.P.), for offence punishable under Section 376-D IPC and under Section 5/6 of POCSO Act. Applicant is in judicial custody since 30.11.2023.

As per the case of prosecution, victim aged around 15 years submitted a written complaint with Station House Officer, Police Station Chachauda, District Guna (M.P.) on 24.07.2023, *inter alia*, alleging that on previous day i.e. on 23.07.2023 around 09 in the morning, she had gone to nearby river to answer the nature's call. Two unknown persons met her on way. One of them committed rape on her. Other was guarding the place. Hearing her shouts, her brother Omprakash came there. Both the assailants fled away. They left one motorcycle and a mobile on spot. On such allegations, Police Station Chachauda, District Guna (M.P.) registered FIR at Crime No.336 of 2023, for offence punishable under Section 376-D

IPC and under Section 5/6 of POCSO Act. One mobile phone and one motorcycle Hero Splendor were seized by Police Station Chachauda on production by father of the victim. Tracing the mobile number and registration of the motorcycle, Child-in-Conflict with Law and applicant Parwat Singh were taken into custody. Applicant was arrested on 30.11.2023. He is in custody ever since. On completion of investigation, final report was submitted on 30.12.2023. Trial is underway.

Learned counsel for the applicant, in addition to the grounds mentioned in the application, submits that applicant has been falsely implicated in this matter. Victim did not identify the applicant in TIP. Learned counsel, referring to the DNA examination report dated 26.10.2023, further submits that the DNA source material of the victim does not match with the DNA source material taken from source material of main accused, child-in-conflict with law. No offence as alleged is made out against the applicant. Learned counsel further submits that applicant is aged around 20 years. He is agriculturist by profession. There is no likelihood of his absconsion leaving his family, home and profession. No criminal antecedent is reported against him. There is no likelihood of tampering with the evidence by the applicant. No further custodial interrogation is needed against applicant. Trial would take time to conclude. Jail incarceration on false allegations is causing hardship to the young applicant. Therefore, applicant may 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 and regard being had to the young age of the applicant, but without commenting on merits, this Court is inclined to release the applicant on bail. Thus, the application is allowed.

Accordingly, the application is allowed and it is directed that **applicant- PARWAT SINGH** shall be released on bail in relation to Crime No.336 of 2023 registered at Police Station Chachauda, District Guna (M.P.), for offence punishable under Section 376-D IPC and under Section 5/6 of POCSO Act, upon furnishing a fresh personal bail bond in the sum of **Rs.50,000/-(Rupees fifty thousand only)** with one solvent surety of like amount to the satisfaction of 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

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