

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

BEFORE

HON'BLE SHRI JUSTICE ANAND PATHAK

ON THE 7th OF SEPTEMBER, 2022

MISC. CRIMINAL CASE NO. 43109 OF 2022

Between:-

**DHARMENDRA @ LALLA S/O SHRI
MAHARAJ SHAKYAWAR, AGED 32
YEARS, OCCUPATION: LABOUR, R/O
CITY AND TREVELS ROKCY PULL KE
BAGAL MAI PANNALAL MAMA KA
MAKAN, LASHKAR GWALIOR AT
PRESENT R/O SUNITA YADAV KA
MAKAN KAMPOO, THANA KE PICHHE
HANUMAN MANDIR KE PAAS,
VIJAYNAGAR, DISTRICT GWALIOR
(MADHYA PRADESH)**

.....APPLICANT

(BY SHRI M.M.TRIPATHI - ADVOCATE)

AND

**THE STATE OF MADHYA PRADESH
THROUGH POLICE STATION
BAHODAPUR, DISTRICT GWALIOR
(MADHYA PRADESH)**

.....RESPONDENT

***(BY SHRI ROHIT MISHRA – ADDITIONAL ADVOCATE GENERAL
FOR RESPONDENT/STATE)***

This application coming on for hearing this day, the Court passed

the following:

ORDER

The applicant has filed this **first** bail application u/S.439 Cr.P.C for grant of bail. Applicant has been arrested on 04.07.2022 by Police Station Bahodapur, District Gwalior (Madhya Pradesh) in connection with Crime No.469/2012 for the offence punishable under Sections 363, 366-A, 365, 372, 373, 376-A of IPC and Section 3, 4, 5, 6, 7 of the Immoral Trafficking Act and Section 66 of the Information Technology Act and Section 25 of the Juvenile Act.

It is the submission of learned counsel for applicant that applicant is suffering confinement since 04.07.2022 and charge sheet has already been filed. It is a case of bail jump. Earlier bail was granted to the applicant by the trial Court vide order dated 18.10.2012 but because of livelihood issue, he went outside Gwalior and therefore, he could not appear before the trial Court since 2015. Now, he surrendered himself and learnt the lesson hard way and would mend his ways and would not hamper the trial proceedings. Even otherwise his role is confined to be a customer and not involved for flesh trade as participant *per se*. It is further submitted that some of the accused have been acquitted by the trial Court and some accused have been convicted. Confinement amounts to pretrial detention. He undertakes to cooperate in investigation/trial. Under these grounds, he prayed for bail.

Learned counsel for respondent/State opposed the prayer on the ground of long absconsion and submitted that if the bail is granted then some stringent conditions may be imposed over the applicant.

Heard learned counsel for the parties and perused the documents

appended thereto.

Considering the submission advanced by learned counsel for the parties, but without commenting on the merits of the case, this Court intends to allow the application. It is hereby directed that the applicant shall be released on bail, on his furnishing personal bond of **Rs.50,000/- (Rupees Fifty Thousand Only) with one solvent surety** of the like amount to the satisfaction of the trial 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 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;
6. The applicant will not leave India without previous permission of the trial Court/Investigating Officer, as the case may be;
7. **The applicant shall mark his presence on first and fifteenth day of every month before the Police Station Bahodapur till conclusion of trial and he shall appear regularly before the trial**

Court and he shall not be source of embarrassment and harassment to the complainant party in any manner and shall not move in their vicinity.

Application stands **allowed and disposed of.**

Copy of this order be sent to the trial Court concerned for information and compliance.

Certified copy as per rules.

**(ANAND PATHAK)
JUDGE**

AK/-