

Rajesh @ Rinku Rod vs The State Of Madhya Pradesh on 24 August, 2020

Author: Sheel Nagu

Bench: Sheel Nagu

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THE HIGH COURT OF MADHYA PRADESH

MCRC-28232/2020

MCRC-28232-2020
(RAJESH @ RINKU ROD Vs STATE OF MP)

Gwalior, Dated 24/08/2020

Shri Arshad Ali, learned counsel for the petitioner.

Shri C.P. Singh, learned Panel Lawyer for the
respondent/State.

Learned counsel for the rival parties are heard through video conferencing.

Petitioner has filed this first application u/S.438 Cr.P.C. for grant of anticipatory bail.

Petitioner apprehends arrest in connection with offence punishable u/S.363, 365, 366, 368, 376, 366 (A), 370, 354, 323, 342 of IPC r/w 5/6 POCSO Act and Section 11/13 of MPDVPA, Act registered as Crime No.491/2019, by Police Station Thatipur, District Gwalior (M.P.).

Learned Panel Lawyer for the State opposed the application and prayed for its rejection by contending that on the basis of the allegations and the material available on record, no case for grant of anticipatory bail is made out.

Kidnapping and rape are alleged in respect of prosecutrix aged about 15 years. The petitioner in this case has been granted bail earlier in respect of the foundational offences of kidnapping and rape by order dated 05.06.2020 in M.Cr.C. No.14485/2020 but on account of addition of offence punishable under Section 2 MCRC-28232/2020 11/13 MPDVPA Act, the petitioner has approached this Court in the present anticipatory bail application.

Considering the aforesaid and the fact that the material placed on record does not disclose the possibility of petitioner fleeing from justice and looking to the extra-ordinary situation created by COVID-19 pandemic, this Court is inclined to extend the benefit of anticipatory bail to the petitioner.

Accordingly, without expressing any opinion on merits of the case, I deem it appropriate to allow this application u/S. 438 of Cr.P.C. in the following terms.

It is hereby directed that in the event of arrest, the petitioner shall be released on bail on furnishing a personal bond in the sum of Rs.25,000/- (Rs. Twenty Five Thousand only) with one solvent surety of like amount to the satisfaction of the Arresting Authority.

This order will remain operative subject to compliance of the following conditions by the petitioner :-

1. The petitioner will comply with all the terms and conditions of the bond executed by him;
2. The petitioner will cooperate in the investigation/trial, as the case may be;
3. The petitioner 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 petitioner shall not commit an offence similar to the offence of which he is accused;

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5. The petitioner will not seek unnecessary adjournments during the trial;
6. The petitioner will not leave India without previous permission of the trial Court/Investigating Officer, as the case may be;
7. The petitioner as a Shiksha Swayamsevak shall render physical and financial assistance to government primary school situated nearest to residence of petitioner for ensuring hygiene and sanitation and for removing deficiencies of infrastructural amenities in the said school from the skill/resources of the petitioner. [;kfpdkdrkkz ,d f'k{kk lo;alksod ds :i esa vius fuokl ds fudv voflfr ljdkjh izkfkfed fo|ky; esa lopnrk vksj vkjksx; dks lqfuf'pr djus ds fy, 'k kjhfjd ,oa forrh; lgk;rk iznku djsxk rfkk vius dks'ky o lalk/kuksa ls mdr fo|ky; esa volajpukred lqfo/kkvksa dh dfe;ksa dks nwj djsxka] The petitioner after selecting a particular Govt. Primary School shall inform about the same to the office of Gram Panchayat (in case of rural area) and/or Ward Officer of the concerned ward (in case of urban area), within whose territorial jurisdiction the said school is situated. [;kfpdkdrkZ ,d fof'k"V ljdkjh Ldwy dk p;u djus ds i'pkr~ blds ckjs esa xzke iapk;r ds dk;kZy; ¼xzkeh.k {ks= ds ekeys esa½ vkSj@;k lEcaf/kr okMZ ds okMZ vf/kdkjh ¼'kgjh {ks= ds ekeys esa½ ftlds {ks=kf/kdkj esa mDr Ldwy vofLFkr gS] dks lwfpr djsxka] It will be joint responsibility of Sarpanch and Secretary of said Gram Panchayat (in case of rural area) and/or Ward Officer of the concerned ward (in case of urban area) to preserve the said information provided by the petitioner and pass it on the concerned PLV. [;g lEcaf/kr okMZ ds okMZ vf/kdkjh ¼'kgjh {ks= ds ekeys esa½ vkSj@;k mDr 4

MCRC-28232/2020 xzke iapk;r ds ljiap vkSj lfpo ¼4xzkeh.k {ks= ds ekeys esa½ dh la;qDr ftEesnkjh gksxh fd] ;kfpdkdrkZ }kjk iznRr lwpuk dks lajf{kr djs ,oa lEcaf/kr ih ,y oh dks gLrkarfjr djsaA] The registry of this Court shall communicate this order through Legal Aid Officer, SALSA, Gwalior to the Collector, District Education Officer, Block Education Officer of the district/block concerned for information and compliance.

A copy of this order be supplied to the Legal Aid Officer, SALSA, Gwalior who is directed to communicate this order to the Paralegal Volunteers of the area concerned to verify as to whether petitioner has complied with condition No.7 or not and submit report once every month.

In case, report regarding condition No.7 is not filed or report is found to be wanting in any manner then Registry is directed to list this matter as PUD before appropriate Bench.

A copy of this order be sent to the Court concerned for information.

C.c as per rules.

(Sheel Nagu) Judge Aman Date: 2020.08.25 14:39:00 -07'00'