

IN THE HIGH COURT OF MADHYA PRADESH

AT GWALIOR

BEFORE

HON'BLE SHRI JUSTICE ANAND PATHAK

ON THE 9th OF NOVEMBER, 2022

MISC. CRIMINAL CASE No. 50072 of 2022

BETWEEN:-

**AMAR SINGH SEHRIA S/O SHRI JAMUNA LAL
SEHRIA, AGED 18 YEARS, OCCUPATION: LABOUR R/O
VILLAGE ANDAPUR MOIYA (DORANA) TEHSIL
RADHOGARH DISTRICT GUNA (MADHYA PRADESH)**

.....APPLICANT

(BY SHRI VINOD PATHAK - ADVOCATE)

AND

**THE STATE OF MADHYA PRADESH THROUGH
POLICE STATION RADHOGARH DISTRICT
GUNA (MADHYA PRADESH)**

.....RESPONDENT

***(BY SHRI RAVINDRA SINGH KUSHWAHA – DEPUTY ADVOCATE
GENERAL)***

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

ORDER

The applicant has filed this third bail application u/S.439 Cr.P.C for grant of bail. Applicant has been arrested on 09.06.2022 by Police Station- Radhogarh, District- Guna in connection with Crime No.256/2022, for the offence punishable under Section 306 of IPC.

2. It is the submission of learned counsel for the applicant that he is

suffering confinement since 09.06.2022 and charge-sheet has already been filed, therefore, chance of tampering with the evidence/witnesses is remote. As per the allegations, applicant used to like the deceased and therefore, he followed her wherever she went. Being compelled by constant following and stalking, parents of deceased sent her to the house of her maternal grandparents where also applicant caused embarrassment to the victim while following her and asking about her whereabouts in village. When, she found no way-out, then she committed suicide. It is further submitted that the applicant used to love her and therefore, followed her. It is not a case where he tried to cause any embarrassment/harassment to her. Confinement amounts to pretrial detention. Applicant undertakes to cooperate in trial as well as investigation and would make himself available as and when required. He would not be a source of embarrassment or harassment to the complainant. Under these grounds, counsel prayed for bail.

3. Learned Deputy Advocate General for the State opposed the prayer and submitted that as per the case diary, age of deceased appears to be 16 years. She was constantly harassed by applicant because he followed her wherever she went and therefore, her parents sent her to her maternal grandparents' house just to avoid stalking. Incidentally, the applicant reached that village also where he again started following the deceased. Compelled by the circumstances, she committed suicide. Such facts are surfaced in case diary and statements of parents of deceased in specific terms, therefore, the case may be dismissed.

4. Heard learned counsel for the parties at length and perused the

documents appended.

5. Some crimes give psychic gains and some crimes give monetary gains. Here, the case is of deriving psychic gains and sadistic pleasure where applicant followed and stalked the deceased, who happens to be a 16 year old girl. Stalking, voyeurism and following any female not only causes deep embarrassment and harassment to her but also instills the sense of insecurity and lowers down her self-esteem, more prominently in feudalistic pattern of society where perpetrator of such crime treats his actions as trophy and tries to give a message to the society that he can capture his victim at will. Being driven by Stockholm Syndrome/ Helsinki Syndrome, victim at times surrenders to the perpetrator and this gives undue premium to his audacity.

6. Present case depicts such state of affairs where victim was chased/ followed/ stalked by present applicant to the extent where parents of the deceased had to shift her to different place at her grandparents house but he continued to chase her. Compelled by the circumstances, she committed suicide.

7. Abetment, *prima facie* is apparent on record (for consideration of present bail application at least). No case for interference at this stage is made out.

8. *Resultantly*, application *sans* merit and is hereby **dismissed**.

(ANAND PATHAK)
JUDGE