

High Court of Madhya Pradesh, Jabalpur
Bench at Indore
Miscellaneous Criminal Case No.40558/2019
(Raj @ Rajkumar s/o Dilip Dubey
Versus
The State of Madhya Pradesh)

Indore, Dated 30.09.2019

Mr. Vinod Thakur, learned counsel for the applicant.

Mr. Gaurav Kumar Verma, learned Public Prosecutor for the non-applicant / State of Madhya Pradesh.

They are heard. Perused case diary.

This first application under Section 439 of Criminal Procedure Code, 1973 has been filed by applicant, who is implicated in connection with Crime No.467/2018 registered at Police Station Heera Nagar, District Indore (MP) for offence punishable under Sections 363 and 366 of the Indian Penal Code, 1860.

The applicant is in custody since 01.08.2019.

As per prosecution case, on the basis of allegations made by the prosecutrix, an offence punishable under Sections 363 and 366 of the Indian Penal Code, 1860 has been registered against the applicant.

Learned counsel for the applicant has submitted that the applicant is a youth aged about 21 years and he has not committed any offence. According to the statement of the prosecutrix recorded under Section 164 of the Code of Criminal Procedure, 1973, she was

having love affair with the applicant and used to meet and wander with him; and when this fact came to the knowledge of her father, her father beaten her. Therefore, she had gone with the applicant at Kota and there she contracted marriage with the applicant. In the said statement she has not made any allegation regarding her abduction or commission of rape on the applicant. She accepted that she had gone with the applicant on her own accord. Under these circumstances, no alleged offence is made out against the applicant. The applicant is in custody since 01.08.2019. The investigation is over and charge sheet has already been filed. The conclusion of the trial will take sufficiently long time. Under these circumstances, learned counsel for the applicant prays for grant of bail to the applicant.

Learned Public Prosecutor for the non-applicant / State of Madhya Pradesh opposes the bail application by contending that no sufficient ground is made out for releasing the applicant on bail; hence he prayed for rejection of the application.

Considering the facts and circumstances of the case and the arguments advanced by learned counsel for the parties, but without commenting on the merits of the case, the application filed by the applicant is allowed. The applicant is directed to be released on bail upon his / her furnishing a personal bond in the

sum of **Rs.50,000/- (Rupees fifty thousand only)** with one solvent surety of the like amount to the satisfaction of trial Court, for his / her regular appearance before the trial Court during trial with a condition that he / she shall remain present before the Court concerned during trial and shall also abide by the conditions enumerated under Section 437 (3) of Criminal Procedure Code, 1973.

This order shall be effective till the end of the trial, however, in case of bail jump, it shall become ineffective.

Certified copy, as per rules.

(S.K. Awasthi)
Judge

Pithawe RC

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