

**The High Court Of Madhya Pradesh****MCRC-8350-2020***(DILIP UPADHYAY Vs THE STATE OF MADHYA PRADESH)***Jabalpur, Dated : 30-06-2020**

The matter is taken up through Video Conferencing.

Shri R.Mishra, learned counsel for the applicant.

Shri R.Parasar, learned panel lawyer for the respondent/State.

Case diary is available with the Panel Lawyer.

This is first bail application under Section 439 of Cr.P.C in connection with Crime No.205/2019 registered at Police Station Naigarhi Distt. Rewa for the offence under Sections 366, 376, 323, 294 of IPC.

As per the prosecution case, the prosecutrix has left her matrimonial house after quarrel with her husband Rajnish Sondhia. Rajnish Sondhia lodged the report, on that basis a case of missing person was registered. It is alleged that when the prosecutrix was on way to her paternal house, a person Judhai Pandit came there and taken her to the applicant's house, where he sold the prosecutrix to him. Prosecutrix has remained in the clutches of the applicant for about one month and 20 days. In this period, the applicant has committed sexual intercourse repeatedly and also beaten her badly, thus she sustained injuries. She somehow escaped from the house of the applicant and narrated the incident to the family members. On that basis above mentioned crime against the applicant has been registered.

Learned counsel for the applicant has submitted that the applicant is an innocent person and he has falsely been implicated in the present crime. It is also submitted that the applicant is ready to furnish bail as per the order and shall abide by all conditions as may be imposed by the Court. He further submits that the applicant is in jail since 12.12.2019 and the trial will take time for its final disposal. On these grounds, learned counsel for the applicant prays for grant of bail to the applicant.

Per-contra, learned counsel for the respondent-State opposes the bail application.

Looking to the facts and circumstances of the case and the nature and gravity of offence and also involvement of the applicant in the present crime, it is not a fit case to

release the applicant before examination of the prosecutrix. At this stage I am not inclined to allow this bail application.

Accordingly, the M.Cr.C. stands dismissed.

**(MOHD. FAHIM ANWAR)**  
**JUDGE**

SKM

