

HIGH COURT OF MADHYA PRADESH, BENCH AT INDORE

M. Cr. C. No. 24750 /2021
(Amit Vs. State of M. P.)

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Indore, dated 31/5/2021

Heard through video conferencing

Mr. O.P.Solanki learned counsel for the applicant.

Mr.Prabal Bhargav learned Panel Lawyer for the respondent / State.

This is first application under Section 439 of Cr.P.C. for grant of bail. Applicant Ajay is implicated in Crime No.87/2021 registered at Police Station – Badnagar District Ujjain for the offence punishable under Sections 376, 366,354(D), 506, 376(2) of IPC. The applicant is in custody since 25.2.2021.

As per prosecution story, the prosecutrix a married woman had got estranged from her husband and has been staying at her parental house. She came across the applicant who had done the catering service earlier during the marriage of prosecutrix. Both got acquainted with each other and they started liking each other, the applicant offered to marry her and prosecutrix stated that she would marry him after her divorce from first husband. However on 5.9.2020 the applicant called the prosecutrix in her house and established physical relations with her and thereafter refused from marrying her because the resistance from his family members. As per prosecution story the applicant started blackmailing her saying that he is having photographs,call recordings etc. between himself and prosecutrix and he also started stalking her.

Learned counsel for applicant submits that the charge sheet has been filed, that no photographs or any other recordings have

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been seized from the mobile of applicant, that the statements of complainant itself shows that she knew that she was not divorced and during the subsistence of her earlier marriage, established physical relations with the applicant on bare promise of marriage. On these grounds bail has been sought.

Learned Panel Advocate appearing for the respondent/State opposes the bail application.

Considered.

In view of the submissions made by counsel for the parties, a case is made out for grant of bail and therefore, without commenting upon the merits of the case, this bail application is being allowed and it is directed that the applicant be released on bail subject to his furnishing a personal bond in the sum of **Rs.50,000/- (Rupees Fifty Thousand only)** with one solvent surety in the like amount to the satisfaction of the concerned Committal Court/Trial Court for his regular appearance before Committal Court/Trial Court on all dates of hearing as may be fixed in this behalf by the Court concerned during trial. It is also directed that the applicant shall abide by all the conditions enumerated under Section 437(3) of the Cr.P.C. It is made clear that after being released on bail, the applicant shall not cause any threat or promise or try to influence the prosecutrix.

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

Certified copy as per rules.

(SHAILENDRA SHUKLA)
J U D G E

BDJ

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BHUVNESHWAR DATT JOSHI
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