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**IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE**

**BEFORE
HON'BLE SHRI JUSTICE PREM NARAYAN SINGH**

ON THE 31st OF JULY, 2023

MISC. CRIMINAL CASE No. 30380 of 2023

BETWEEN:-

**LAAD SINGH S/O SHREE TOLARAM GURJAR, AGED
ABOUT 37 YEARS, DHABLA SONGARA P.S. NALKHEDA
DISTRICT AGAR MALWA (MADHYA PRADESH)**

.....APPLICANT

***(SHRI GOURAV SHRIVASTAVA, LEARNED COUNSEL FOR THE
PETITIONER.***

AND

- 1. THE STATE OF MADHYA PRADESH STATION
HOUSE OFFICER THROUGH POLICE STATION
NALKHEDA DISTRICT AGAR MALWA (MADHYA
PRADESH)**
- 2. VICTIM X THROUGH P.S. NALKHEDA DIST. AGAR
MALWA (MADHYA PRADESH)**

.....RESPONDENTS

***(SHRI GAURAV RAWAT APPEARING ON BEHALF OF ADVOCATE
GENERAL & SHRI ADITYA SINGH TOMAR, LEARNED COUNSEL FOR THE
RESPONDENT [R-2].***

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

ORDER

They are heard and perused the case diary.

This is first application under Section 439 of Code of Criminal
Procedure, 1973 filed by the applicant for grant of bail. The applicant has been
implicated in connection with Crime/F.I.R.No.31/2023 registered at Police
Nalkheda District-Agar Malwa (M.P.) for the offences under Sections 376 IPC,

1860. The applicant is in jail since 08.05.2023.

2. Allegation against the applicant is that of commission of rape upon the prosecutrix.

4. Learned counsel for the applicant submitted the applicant is innocent and has been falsely implicated in the present crime. Prosecutrix is a major lady aged about 31 years and having three children. It is further submitted that the FIR is delayed by approximately six months and there is no plausible explanation of the said delay. It is further submitted that the prosecutrix has implicated the applicant falsely and there is no direct or indirect evidence to connect the appellant with the present offence. The applicant is in jail since 08.05.2023 and final conclusion of trial will take considerable time. Therefore, it has been prayed that the applicant be released on bail pending the trial.

5. On the other hand, learned counsel for the State has opposed the prayer, however, counsel for the objector has opposed the prayer by submitting that the applicant has committed rape upon the prosecutrix by threatening her to kill her children.

6. Having taken into consideration all the facts and circumstances of the case and the fact that conclusion of trial will take considerable time, I am inclined to release the applicant on bail. Consequently, without commenting on the merits of the case, bail application under Section 439 of the Code of Criminal Procedure for grant of bail filed on behalf of applicant, stands **allowed.**

7. It is directed that applicant be released on bail on 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 trial Court, for his regular appearance before the trial Court during trial with a condition that he

shall remain present before the concerned Court on all the dates fixed by it during trial. He shall abide by all the conditions enumerated under Section 437(3) of Cr.P.C.

8. This order shall be effective till the end of the trial. However, in case of bail jump and breach of any of the conditions of bail, it shall become ineffective.

Certified copy as per rules.

(PREM NARAYAN SINGH)
JUDGE

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