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

**BEFORE  
HON'BLE SHRI JUSTICE PRAKASH CHANDRA GUPTA**

**ON THE 30<sup>th</sup> OF NOVEMBER, 2023**

**MISC. CRIMINAL CASE No. 52269 of 2023**

**BETWEEN:-**

1. **SOHAN S/O BANSINGH BAGHEL, AGED ABOUT 25  
YEARS, OCCUPATION: LABOUR VILLAGE  
DHANORA, JIRABAD, GANDHWANI, DISTT. DHAR  
(MADHYA PRADESH)**
2. **AJAY S/O RAMESH DHARVE, AGED ABOUT 21  
YEARS, OCCUPATION: LABOUR VILLAGE  
DHANORA JIRABAD GANDHWANI DIST. DHAR  
(MADHYA PRADESH)**

**.....APPLICANT**

***(SHRI NILESH DAVE, LEARNED COUNSEL FOR THE APPLICANTS)***

**AND**

**THE STATE OF MADHYA PRADESH STATION HOUSE  
OFFICER THROUGH POLICE STATION MANAWAR,  
DISTT. DHAR (MADHYA PRADESH)**

**.....RESPONDENTS**

***(Ms. BHAGYASHREE GUPTA, LEARNED GOVT.ADVOCATE FOR THE  
RESPONDENT/STATE)***

**MISC. CRIMINAL CASE No. 52255 of 2023**

**BETWEEN:-**

**AAKASH S/O RUGNATH BAGHEL, AGED ABOUT 27  
YEARS, OCCUPATION: NA R/O VILLAGE DHANORA  
TEHSIL MANAWAR DISTT.DHAR (MADHYA PRADESH)**

**.....APPLICANT**

***(SHRI NILESH DAVE, LEARNED COUNSEL FOR THE APPLICANT)***

**AND**

**THE STATE OF MADHYA PRADESH STATION HOUSE**

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**OFFICER THROUGH POLICE STATION MANAWAR  
DISTRICT DHAR (MADHYA PRADESH)**

**.....RESPONDENTS**

**(Ms. BHAGYASHREE GUPTA, LEARNED GOVT.ADVOCATE FOR THE  
RESPONDENT/STATE)**

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

**ORDER**

Heard with the aid of case diary.

This is first application filed under Section 439 of Cr.P.C. for grant of bail to the applicants, in connection with FIR/Crime No.686/2023, Date :- (Not mentioned) registered at P.S. - Manawar, District - Dhar (M.P.) for commission of offence punishable under Section 376, 376(D), 376(2)(N), 376(2)(K), 450, 506 of IPC.

2. Prosecution story, in brief, is that on 6.6.2023 at around 5.30 PM when the prosecutrix was alone at her home, then the applicants/accused persons entered in the house of the prosecutrix and committed gang rape upon the prosecutrix. The applicants also threatened her that if she tells the incident to someone, then they will kill her.

3. Learned counsel for the applicant/accused person submits that the applicants have not committed the offence and have falsely been implicated in the case. After dismissal of first application, the prosecutrix (PW-1) has been examined before the trial Court, but she has completely hostile and not supported the case of prosecution. There is no medical and other evidence available supporting the case of prosecution. The prosecutrix is a major lady. The applicants Sohan & Ajay are in custody since 23.6.2023 and the applicant Aakash is in custody since 10.6.2023. Trial will take considerable long time for

its disposal, therefore, in the change circumstances it is prayed that the applicants be released on bail.

4 . On other hand learned counsel for the State/non-applicant has opposed the prayer and prayed for its rejection.

5. Having considered the rival contentions of the learned counsel for the parties, also looking to the aforesaid facts and circumstances of the case, this Court is of considered view that this is a fit case to grant bail to the applicants. Hence, without expressing any opinion on merit of the case, the bail applications of the applicants are **allowed**.

6. It is directed that the **applicants - Sohan, Ajay and Aakash** be released on bail upon their furnishing personal bond in the sum of **Rs.50,000/- (Rupees Fifty Thousand only) with one surety each** in the like amount to the satisfaction of the concerned trial Court for their appearance before the trial Court on all such dates as may be fixed in this behalf by the trial Court during pendency of the trial. It is further directed that applicants shall comply with the provisions of Section 437(3) of Criminal Procedure Code, 1973.

7. Both M.Cr.C. stand disposed of, accordingly.

C.c. as per rules.

(PRAKASH CHANDRA GUPTA)  
JUDGE

patil