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

**BEFORE
HON'BLE SMT. JUSTICE SUNITA YADAV
ON THE 19th OF APRIL, 2024**

MISC. CRIMINAL CASE No. 10859 of 2024

BETWEEN:-

**IMRAN @ ARMAN KHA S/O SHRI SULTAN MANSURI,
AGED 45 YEARS, OCCUPATION : SHOPKEEPER, VILLAGE
KORWASA TEHSIL SIRONJ, DISTRICT VIDISHA
(MADHYA PRADESH)**

.....APPLICANT

(BY SHRI VIJAY KUMAR JHA - ADVOCATE)

AND

- 1. THE STATE OF MADHYA PRADESH THROUGH
POLICE STATION DEEPNAKHEDA DISTRICT
VIDISHA (MADHYA PRADESH)**
- 2. PEEDITA THROUGH INCHARGE, POLICE STATION
DEEPNAKHEDA, DISTRICT VIDISHA (MADHYA
PRADESH)**

.....RESPONDENTS

***(BY SHRI ROHIT MISHRA - ADDITIONAL ADVOCATE GENERAL FOR
RESPONDENT NO.1/STATE)***

.....

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

ORDER

This is the **first** application filed by the applicant under Section 438 of the Cr.P.C. for grant of anticipatory bail relating to Crime No. 18 of 2024 registered at Police Station Deepnakheda, District Vidisha (M.P.) for the offence under Sections 376, 450, 354 (Ka) of IPC.

Learned counsel for the applicant argued that applicant is innocent and has been falsely implicated. Further submission is that the present F.I.R. is the

outcome of some dispute earlier to this incident. The story of prosecution is improbable. There is a delay of almost four days for filing F.I.R.. Further argument is that the applicant/accused is the permanent resident of District Vidisha (M.P.), therefore, there is no possibility of his absconsion or tampering with the prosecution evidence. Under these circumstances, the applicant/accused is entitled to get the benefit of anticipatory bail.

Per contra, learned Additional Advocate General for respondent /State vehemently opposed the anticipatory bail application and argued that a named F.I.R. is lodged against the applicant/accused. The prosecutrix in her F.I.R., statements recorded under Sections 161 and 164 of Cr.P.C. is consistent about the incident of rape by the applicant/accused. Even eye witness Shajid Khan has supported the case of the prosecution. The applicant is having criminal antecedents. Under these circumstances, the applicant/accused is not entitled to get the benefit of anticipatory bail.

Heard learned counsel for the rival parties and perused the case diary available on record.

Considering the nature of allegations levelled against the applicant as well as its gravity, this Court is not inclined to grant benefit of anticipatory bail to the applicant.

Hence, the first anticipatory bail application is hereby **dismissed**.

(SUNITA YADAV)
JUDGE