

High Court of Madhya Pradesh, Jabalpur
Bench at Indore

Miscellaneous Criminal Case No.50329/2018

(Gopal Gurjar s/o Mangilal Gurjar

Versus

The State of Madhya Pradesh)

Indore, Dated 18.12.2018

Mr. Vivek Singh, learned counsel for the applicant.

Mr. Vishal Sanothiya, learned Public Prosecutor for the non-applicant / State of Madhya Pradesh.

They are heard. Perused the case diary.

This first application under Section 439 of Criminal Procedure Code, 1973 has been filed by applicant Gopal Gurjar s/o Mangilal Gurjar, who is implicated in connection with Crime No.263/2018 registered at Police Station Jeeran, District Neemuch (MP) for offence punishable under Sections 365 and 376 of the Indian Penal Code, 1860.

The applicant is in custody since 18.10.2018.

As per prosecution story, allegation against the applicant is that on 13.10.2018, he allured the prosecutrix and took her on motorcycle, thereafter, committed rape and threatened her with dire consequences.

Learned counsel for the applicant has submitted that the applicant is innocent and he has falsely been implicated in the present crime. The prosecutrix is a major lady aged about 27 years and as per contents of

the FIR as well as statement of the prosecutrix recorded under Section 164 of the Code of Criminal Procedure, 1973, she remained with the present applicant for a period of about 13 hours, during which she has not made any alarm or complained to anybody about her abduction, which indirectly indicates her consent. As per medical report also, no external or internal injuries were found on the person of the prosecutrix. The applicant is in custody since 18.10.2018. The investigation is over and charge-sheet has been filed. Under these circumstance, learned counsel for the applicant prays for grant of bail to the applicant.

Learned Public Prosecutor for the non-applicant / State of Madhya Pradesh submits that no sufficient ground is made out for releasing the applicant on bail; hence the application filed by the applicant be dismissed.

Considering the facts and circumstances of the case and the arguments advanced by learned counsel for the parties, but without commenting on the merits of the case, the application filed by the applicant is allowed. The applicant is directed to be released on bail upon his furnishing a personal bond in the sum of **Rs.50,000/- (Rupees Fifty Thousand only)** with one solvent surety of the like amount to the satisfaction of trial Court, for his regular appearance

before the trial Court during trial with a condition that he shall remain present before the Court concerned during trial and shall also abide by the conditions enumerated under Section 437 (3) of Criminal Procedure Code, 1973.

This order shall be effective till the end of the trial, however, in case of bail jump, it shall become ineffective.

Certified copy, as per rules.

(S.K. Awasthi)
Judge

