

**High Court of Madhya Pradesh, Jabalpur**  
**Bench at Indore**  
**Miscellaneous Criminal Case No.20078/2019**  
(Dinesh s/o Dayaram  
Versus  
The State of Madhya Pradesh)

**Indore, Dated 16.05.2019**

Mr. Ashish Gupta, learned counsel for the applicant.

Mr. Lokesh Bhargava, 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, who is implicated in connection with Crime No.36/2019 registered at Police Station Palsood, District Barwani (MP) for offence punishable under Sections 376 (1) and 456 of the Indian Penal Code, 1860.

The applicant is in custody since 12.02.2019.

As per prosecution case, the prosecutrix lodged a report at Police Station alleging that on 10.02.2019 applicant has committed rape on her. Hence, the present case has been registered against him.

Learned counsel for the applicant has submitted that the applicant is a youth aged about 25 years and has not committed any offence. Earlier bail application of the applicant was dismissed by this Court vide order dated 05.04.2019 passed in Miscellaneous Criminal Case No.13427/2019 granting

liberty to renew his prayer after recording the Court statement of the prosecutrix. Now, the prosecutrix and her husband have been examined before the trial Court on 02.05.2019 and they have not supported the prosecution story and turn hostile. Under these circumstances, no alleged offence is made out against the applicant. The applicant is in custody since 12.02.2019. The investigation is over and charge sheet has been filed. Conclusion of the trial will take sufficiently long time. Under these circumstances, learned counsel for the applicant prays for grant of bail to the applicant.

Learned Public Prosecutor for the non-applicant / State of Madhya Pradesh opposes the bail application by contending that no sufficient ground is made out for releasing the applicant on bail; hence he prayed for rejection of the application.

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 / her 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 / her regular appearance before the trial Court during trial with a

condition that he / she 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**