

HIGH COURT OF MADHYA PRADESH

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CRA No.5656/2020

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(Aashish Vs. State of M.P. and Another)

Indore, Dated : 1.3.2021

Shri Sanjay Sharma, learned counsel for the appellant.

Shri Hemant Sharma, learned Public Prosecutor for the respondent/State.

Prosecutrix has already been served.

Heard. Perused the case diary.

Submissions were made on criminal appeal filed under Section 14-A(2) of SC/ST (Prevention of Atrocities) Act for grant of bail.

The appellant – **Aashish S/o Ramprasad Sisodiya** is implicated in Crime No.31/2020 registered at Police Station – Piploda, District Ratlam for the offence punishable under Sections 376(2)(n), 366, 506, 34 of IPC and under Section 3(2) (V) of SC/ST Act and he is in custody since 11.2.2020.

As per the prosecution story the prosecutrix, who is a major lady, had been made to consume some sweets by her aunt which was laced with sedatives. The aunt told the prosecutrix to run away with the present appellant. The prosecutrix has stated that after consuming the sweets she lost her senses and she did not know where she was being taken and when she regained her senses, she found herself in a room where the appellant ravished her for 3 months and he used to confine her in the same room with threats meted out to her against leaving the room. Subsequently when the prosecutrix insisted the appellant to be taken back to her parental house, the appellant himself brought her back to her parental house.

Learned counsel for the appellant submits that it appears to be a case of consent because in the 164 Cr.P.C. statement the prosecutrix does not state that she was being given any sort of threat by the appellant and in both the documents i.e. FIR

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and 164 Cr.P.C. statement, the prosecutrix had uniformly stated that she had asked the appellant to leave her back to her parental home and then the appellant brought her back to her parental house. On this ground the appeal has been sought to be allowed.

Learned Public Prosecutor for the State was also heard who has opposed the appeal.

Considered.

On due consideration of the aforesaid submissions, mainly those advanced by the learned counsel for the appellant and looking to the factum of discrepancy in 164 Cr.P.C. statement of prosecutrix and the FIR in respect of threat being meted out to the prosecutrix and other submissions, without commenting upon the merits of the case, this appeal is allowed and it is directed that appellant–**Aashish S/o Ramprasad Sisodiya** shall 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** in the like amount to the satisfaction of the concerned Trial Court/Committal Court for his regular appearance before the Trial Court/Committal Court on all dates of hearing as may be fixed in this behalf by the Court concerned during trial. It is also directed that the appellant shall abide by all the conditions enumerated under Section 437(3) of the Cr.P.C.

A copy of this order be sent to the Court concerned for compliance.

Criminal Appeal No.5656/2020 is allowed and stands disposed of.

C.C. as per rules.

(Shailendra Shukla)
Judge