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                          **BENCH AT INDORE**  
                          **CRA No.6409/2020**  
                          **Durgaprasad @ Durgesh Vs. State of MP**

**Indore: Dated:-01/03/2021:-**

Shri Manish Vijaywargiya, learned counsel for the appellant.

Shri Sudhansu Vyas, learned Panel Lawyer for the State.

Ms. Usha Chouhan, learned counsel for the Objector.

This cri. appeal/application filed under Section 14-A(2) of SC, ST (Prevention of Atrocities) Act. The appellant is in jail since 12.11.2020 in connection with Crime No.244/2020, registered at P.S., Leema Chohan, District-Rajgarh, for offence punishable under Sections 376 of IPC and under Sections 3(1) (B), (1)(2), 3(2)(5) of SC, ST (Prevention of Atrocities) Act.

As per prosecution story, applicant had committed rape upon the prosecutrix. When the prosecutrix was going to collect woods in the jungle, at that point of time, the appellant came from behind and held her and committed rape upon her. When the husband of the prosecutrix came to the spot, on seeing him, the appellant fled from the spot.

Learned counsel for the appellant submits that in statements under Section 164 of Cr.P.C. recorded later, the prosecutrix has stated that when the offence was committed against her, she cried and on hearing her cries, the husband had come to the spot. The learned counsel submits that however, in the FIR, there is no mention of prosecutrix crying. Thus, there is an improvement under Section 164 Cr.P.C. Learned counsel submits that charge-sheet has been filed.

Learned counsel for the Objector was heard, who has submitted that appellant has been threatening the prosecutrix's family members and is also threatening that he would set ablaze

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the hut of the prosecutrix. The learned counsel for the Objector however fairly admitted that no complaint/FIR has been lodged regarding such threat.

Learned Panel Lawyer for the state was also heard.

Considered.

After duly considering the submissions of learned counsel specially those by learned counsel for the appellant, a case is made out for grant of bail to **appellant (Durgaprasad @ Durgesh S/o Badrilal Tanvar)** and it is directed that upon appellant's furnishing a personal bond to the tune of **Rs.50,000/- (Rs. Fifty Thousand)** with one local surety in the like amount to the satisfaction of the trial court, the appellant shall be released on bail, for his regular appearance before the concerned trial court, on all the dates, as may be fixed in this behalf by the said Court, till the completion of the trial. It is made clear that appellant shall not threaten or influence the complainant or any of the witnesses and shall not be found indulging in any criminal offence of likewise nature. A breach of either of the conditions would entitle prosecution to move for the cancellation of the bail granted by this Court, without reference to the Court.

A copy of this order be sent to the concerned trial court for its compliance.

With the aforesaid the Cri.Appeal/application stands partly allowed and disposed of.

CC as per rules.

**(SHAIENDRA SHUKLA)**  
**JUDGE**