

**High Court of Madhya Pradesh, Jabalpur**  
**Bench at Indore**  
**Miscellaneous Criminal Case No.27561/2020**

(Suresh Parmar s/o Kishanlal Parmar

Versus

The State of Madhya Pradesh)

**Indore, Dated 15.09.2020**

Mr. Mohammad Ibrahim, learned counsel along with Mr. Mutahir Ahmed Khan, learned counsel for the applicant.

Mr. Sameer Verma, learned Penal Lawyer for the non applicant / State of Madhya Pradesh.

Mr. Subodh Choudhary, learned counsel for the complainant / objector.

They are heard. Perused the case diary / challan papers.

This first application under Section 438 of Criminal Procedure Code, 1973 for grant of anticipatory bail has been filed by the applicant, who is apprehending his / her arrest in connection with Crime No.385/2020 registered at Police Station Mandi Thana Nagda, District Ujjain (MP) for offence punishable under Sections 377, 342 and 506 read with Section 34 of the Indian Penal Code, 1860 and also under Section 3 (A) read with Section 4 and Section 5 (G) read with Section 6 of the Protection of Children from Sexual Offence Act, 2012.

As per prosecution case, on 25.07.2020 First Information Report was lodged by complainant Kunal Parmar [accompanied with his father Jamnalal and

mother Vishnu Malviya] at Police Station Mandi Thana, Nagda District Ujjain (MP) against co-accused persons Monu Parmar, Dheeraj Parmar, Mukesh Parmar and Suresh Parmar (the present applicant), alleging that he is a student of National Public School Nagda and studying in sixth standard.

The alleged incident took place last year at the time of *Ganesh Chaturthi*. The complainant along with his friends established the idol of Lord Ganesha in front of his house and regularly worshiped the idol. It is alleged that on 06.09.2019 after the evening worship Monu Parmar (Juvenile) told the complainant to accompany him to his house to count the *Ganesh Chaturthi* money donation, so the complainant went to his house where his father Mukesh Parmar, a person from the colony Dheeraj Parmar (Juvenile) and the present applicant were present. Monu (Juvenile) closed the door of his room and then forcefully removed the underwear of the complainant and inserted his penis in the complainant's rectum / anus after sometime Dheeraj Parmar (Juvenile) removed the complainant's underwear and inserted his penis in the complainant's rectum / penis and the complainant started crying then Monu's father Mukesh Parmar and his uncle Suresh Parmar recorded a video from his mobile phone then the complainant started shouting, then Monu (Juvenile), Dheeraj (Juvenile), Mukesh and

Suresh sent the complainant out of Monu's (Juvenile) house and all the four said to the complainant that if you told this to your family then we will kill you. The complainant was scared from Monu (Juvenile), Dheeraj (Juvenile), Mukesh and Suresh.

When the complainant's father saw the alleged video in Mukesh Parmar's mobile phone, he inquired the same from the complainant, then the complainant told the incident to his father what Monu Parmar (Juvenile) and Dheeraj Parmar (Juvenile) did to the complainant and Mukesh Parmar and Suresh Parmar recorded a video of the complainant. Hence, case has been registered against the applicant and other co-accused person (s).

Learned counsel for the applicant has submitted that the applicant is innocent and he has falsely been implicated in the present crime. It is further submitted that both, the family of the complainant and the family of the accused, have previous animosity from a long time. Hence, the present applicant had approached to the Police Station Nagda, District Ujjain (MP) and lodged FIR bearing Crime No.0049/2020 against Mukesh Malviya and Jamnalal Malviya on 31.01.2020. Jamnalal Malviya is the father of the complainant / victim and due to registration of the aforesaid FIR, the applicant and other family members has falsely been implicated in the matter and has been

forced by them to compromise the matter. It is also submitted that according to the FIR the incident took place on 05.09.2019, however, FIR of the alleged incident has been lodged on 25.07.2020, i.e. after a delay of approximately 9 ½ months and no plausible explanation has been offered by the complainant / prosecution regarding the aforesaid delay. It is further submitted that there appears to be no cogent evidence available in the case diary to connect the applicant with the present crime. The applicant is a resident of Nagda, District Ujjain (MP). He works for outsourcing company namely “prime-one” which provides manpower to other companies. He is assigned to works with MPPKVVC in Khachrod District Ujjain (MP).

It is also submitted that there is no possibility of his / her absconsion or tampering with the evidence, if enlarged on anticipatory bail. He also submitted that the applicant is ready to cooperate with the investigation. Under these circumstances, learned counsel for the applicant prays for grant of anticipatory bail to the applicant.

On the other hand, learned Panel Lawyer for the non-applicant / State of Madhya Pradesh opposes the application and prays for rejection of the anticipatory bail application.

Considering the facts and circumstances of the

case, but without commenting anything on the merits of the matter, I deem it proper to grant anticipatory bail to the applicant.

Accordingly, this application is allowed. It is directed that in the event of arrest, applicant **Suresh Parmar s/o Kishanlal Parmar** shall be released on bail, upon his / her executing a personal bond in the sum of **Rs.50,000/- (rupees fifty thousand only)** and furnishing solvent surety in the like amount to the satisfaction of the Arresting Officer (Investigating Officer).

The applicant shall make himself / herself available for interrogation by a Police Officer, as and when required. He / she shall further abide by the other conditions enumerated in Sub Section (2) of Section 438 of the Code of Criminal Procedure, 1973.

Accordingly, Miscellaneous Criminal Case No.27561/2020 stands allowed.

Certified copy as per rules.

**(S.K. Awasthi)**  
**Judge**