

High Court of Madhya Pradesh, Jabalpur
Bench at Indore
Miscellaneous Criminal Case No.28092/2020

(Deepak s/o Jagdish Nayak
Versus
The State of Madhya Pradesh)

Indore, Dated 23.09.2020

Mr. Rituraj R. Bhatnagar, learned counsel for the applicant.

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

They are heard. Perused case diary / challan papers.

This first application under Section 439 of Criminal Procedure Code, 1973 has been filed by applicant, who is implicated in connection with Crime No.54/2020 registered at Police Station Bhanpura, District Mandsaur (MP) for offence punishable under Sections 366, 344, 376 (2) (N) and 506 of the Indian Penal Code, 1860.

The applicant is in custody since 11.07.2020.

As per prosecution case, on the basis of the allegations made by the prosecutrix regarding abduction, wrongful confinement, criminal intimidation and commission of rape on the pretext of marriage, the case has been registered against the present applicant.

Learned counsel for the applicant has submitted that the applicant is a youth aged about 21 years and he has been falsely implicated in the present crime.

The prosecutrix is a major girl aged about 19 years and 6 months at the time of the alleged incident. It is further submitted that the applicant took the prosecutrix to Pali, Rajasthan State and she remained in the company of the applicant for a period of eight days. However, during which, neither she raised alarm nor made complaint to any person, that the applicant took her forcefully; and also did not try to escape from his custody. The prosecutrix also solemnized marriage with the applicant and in this regard, an affidavit was executed between the parties before Public Notary. All these circumstances indicate that the prosecutrix was the consenting party. The applicant is in custody since 11.07.2020. The investigation is over and charge sheet has already 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 Panel Lawyer 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 / she 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 anything 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