

**High Court of Madhya Pradesh, Jabalpur**  
**Bench at Indore**  
**Miscellaneous Criminal Case No.31832/2020**  
(Bheru s/o Heeralal Kharol  
Versus  
The State of Madhya Pradesh)

**Indore, Dated 23.09.2020**

Mr. Vimal Kumar Gangawal, 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.313/2019 registered at Police Station Taal, District Ratlam (MP) for offence punishable under Sections 363, 366, 376 (2) (n), 120-B and 343 of the Indian Penal Code, 1860 and also under Section 5 (L) read with Section 6 of the Protection of Children from Sexual Offence Act, 2012.

The applicant is in custody since 01.12.2019.

As per prosecution case, on the basis of the allegations made by the prosecutrix regarding abduction, inducement, criminal conspiracy, wrongful confinement 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 innocent and he has been falsely implicated in the present crime. The prosecutrix is a minor girl aged about 17 years and according to her statement recorded under Section 164 of the Code of Criminal Procedure, 1973, she was having love affair with the applicant and she wanted to marry with him. Therefore, she had gone with the applicant on her own accord and after reaching Ratlam, she contracted marriage with him and also remained in the company of the applicant for a considerable period as his wife. In the aforesaid statement, she has not made any allegation against the applicant regarding abduction and / or commission of rape. The applicant is in custody since 01.12.2019. The investigation is over and charge sheet has already been filed. There is no possibility of his / her absconsion or tampering with the evidence, if enlarged on bail. 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**