

**THE HIGH COURT OF MADHYA PRADESH, BENCH AT INDORE****M.Cr.C. No.48389/2020*****(Buduriya S/o Tursingh Barela vs. State of MP)*****Indore, dated : 25.01.2021**

Shri A.K.Saxena, learned counsel for the applicant is present in person through Video Conferencing.

Shri Sagar Muley, learned Public Prosecutor for the non-applicant – State is present in person through Video Conferencing.

Submissions were made on application filed under Section 439 of Cr.P.C. in respect of Crime No.598/2020 registered at Police Station Sendhwa, District Barwani for allegedly committing offence under Sections 354, 354(A)(1), 506 and 376 of IPC.

As per prosecution story, on 25.09.2020, while the prosecutrix, a widow was working in an agriculture field, the applicant came from behind and grabbed her and committed rape upon her.

Learned counsel for the applicant submits that in the FIR the prosecutrix had only stated that the applicant had grabbed her from behind and at that time mother-in-law of the prosecutrix came and applicant thereafter ran away from the spot after threatening the prosecutrix. Learned counsel further submits that it is only at later stage that the prosecutrix has levelled allegation of rape against the applicant in her statement recorded under Section 164 of Cr.P.C. on 03.10.2020. Learned counsel submits that in view of such discrepancy and the charge-sheet has been filed, applicant deserves to be enlarged on bail.

Learned counsel for the state was heard.

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MLC report does not show any injury to the prosecutrix.

Considered.

In view of the submissions made by the learned counsel for the applicant, without commenting on merits of the case, this regular bail application is being allowed and it is directed that applicant – **Buduriya S/o Tursingh Barela** shall be released on bail subject to his furnishing a personal bond in the sum of **Rs.50,000/- (Rupees Fifty thousand only)** with **one local solvent surety** 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 applicant shall abide by all the conditions enumerated under Section 437(3) of the Cr.P.C.

It is made very clear that after being released the applicant shall not influence, threaten or promise the prosecutrix in any manner and shall also not establish any contact with any of the other witnesses and any breach of such stipulation would entail cancellation of bail without reference to this Court.

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

M.Cr.C. No.48389/2020 is allowed and stands disposed of  
Certified copy as per rules.

**(Shailendra Shukla)**  
**Judge**