

**High Court of Madhya Pradesh, Jabalpur**  
**Bench at Indore**

**Miscellaneous Criminal Case No.59217/2021**

(Vishal s/o Karulal Meena  
Versus  
The State of Madhya Pradesh  
AND  
VICTIM / PROSECUTRIX)

**Indore, Dated 06.12.2021**

Shri Khushiya Malya, learned counsel for the applicant.

Shri Sameer Verma, learned Panel Lawyer for the respondent /  
State of Madhya Pradesh.

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

This is the applicant's **first** bail application under Section 439 of Criminal Procedure Code, 1973. He is implicated in connection with Crime No.468/2021 registered at Police Station Y.D. Nagar, District Mandsaur (MP) for offence punishable under Sections 376 (2) (N), 376 (D) and 506 of Indian Penal Code, 1860.

The applicant is in custody since 24.08.2021.

The allegation against the applicant is of abduction and rape on the prosecutrix.

Learned Counsel for the applicant has submitted that the prosecution has stayed with the applicant for around six months and the date of incident is said to be 01.05.2021 whereas the First Information Report (FIR) has been lodged on 23.08.2021.

It is further submitted that the prosecutrix was a major girl and she in her statement recorded under Section 164 of the Code of Criminal Procedure, has stated that she had gone with the applicant on her own volition.

Thus, it is submitted that the applicant be released on bail.

Counsel for the respondent / State, on the other hand, has opposed the prayer.

Having considered the rival submissions and on perusal of the case diary as also the statement of the prosecutrix, this Court finds force with the contentions raised by the counsel for the applicant.

Accordingly, without adverting to the merits of the case, the application filed by the applicant is hereby **allowed**. The applicant is directed to be released on bail upon furnishing a personal bond in the sum of **Rs.50,000/- (rupees fifty thousand)** with one solvent surety of the like amount to the satisfaction of the 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) Criminal Procedure Code, 1973.

It is also observed that after his release on bail, if the applicant is found in any criminal activities, the present bail order shall stand automatically cancelled without further reference to this Court; and the State / prosecution will be free to arrest the accused in the present case also.

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.

**(Subodh Abhyankar)**  
**Judge**