

**IN THE HIGH COURT OF MADHYA PRADESH****AT INDORE****BEFORE****HON'BLE SHRI JUSTICE ANIL VERMA****ON THE 23<sup>rd</sup> OF JUNE, 2022****MISC. CRIMINAL CASE No. 21656 of 2022****Between:-****SHANU S/O RISHI CHAWLA , AGED ABOUT 25 YEARS,  
OCCUPATION: PRIVATE SERVICE 21, VEDVYAS COLONY,  
RATLAM (MADHYA PRADESH)****.....PETITIONER****(BY SHRI TARUN KUSHWAH, ADVOCATE )****AND****THE STATE OF MADHYA PRADESH STATION HOUSE OFFICER  
THROUGH POLICE STATION MAHILA THANA , RATLAM  
(MADHYA PRADESH)****.....RESPONDENTS****( SHRI HEMAND SHARMA, GA FOR THE STATE)****( SHRI H.C. TRIPATHI, ADVOCATE FOR THE OBJECTOR )**

*This application coming on for admission this day, the court passed the following:*

**ORDER**

Applicant has filed this first bail application under Section 439 of the Code of Criminal Procedure, 1973 in connection with Crime No. 22/2022 registered at P.S – Mahila Thana, Ratlam, District- Ratlam (M.P.) for commission of offence punishable under Sections 376(2)(n) and 506 of IPC.

As per prosecution story, on 11/04/2022 the complainant prosecutrix lodged a report at police station and stated that her date of birth is 21/10/1992 and she is doing |.T.1. from ratlam and the applicant also doing |.T.1. from Ratlam along with her, therefore

both were love to each other. She has further stated that the applicant promised her for marriage and on that promise, the applicant continuously made a sexual relationship with her. After sometime, when the prosecutrix told to the applicant for performing the marriage, the applicant denied for performing the marriage with the prosecutrix. As a result of which, the aforementioned offence has been registered by the prosecutrix against the applicant.

Learned counsel for the applicant contended that applicant is innocent and has been falsely implicated in this offence. There is no legal evidence available on record to connect the applicant with the aforementioned offence. The prosecutrix is major aged about 29 years and is consenting period. She was residing with the applicant and established physical relationship with him with her own sweet WILL. Investigation is almost over and challan is likely to be filed therefore, no further custodial interrogation is required. He is in jail since 13/04/2022. He is a permanent resident of District- Ratlam. Final conclusion of trial shall take sufficient long time. Under the above circumstances, prayer for grant of bail may be considered on such terms and conditions, as this Court deems fit and proper.

*Per-contra*, learned PL for respondent – State opposes the bail application and prays for its rejection

Learned counsel for the objector has also opposed the bail application by submitting that the prosecutrix is being harassed and pressurized by family members of the applicant for compromise in the matter and in that regard, she has lodged a complaint at Mahila Thana, Ratlam, therefore, the applicant does not deserve for bail.

Perused the impugned order of the trial Court as well as the case dairy.

Considering all the facts and circumstances of the case, arguments advanced by both the parties, nature of allegation as also taking note of the fact that the prosecutrix is major aged about 29 years;; allegedly she was in physical relationship with the applicant for last one year; investigation is over; the applicant is in jail since 13/04/2022 and possibility of delay in conclusion of the trial cannot be ruled out, I deem it proper to release the accused / applicant on bail.

Accordingly, without commenting on the merits of the case, the application is allowed. It is directed that the applicant be released on bail on his furnishing personal bond in the sum of **Rs.75,000/- (Rs. Seventy Five Thousand only)** with one solvent surety in the like amount to the satisfaction of the trial Court for his appearance before the trial Court, as and when required. He shall abide by the conditions enumerated u/S. 437(3) Cr.P.C.,

It is made clear that if the applicant is again found to be involved in any other offence during the trial, this order shall stand cancelled automatically without reference to the Court and the police will be at liberty to arrest the applicant 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.

(ANIL VERMA)  
J U D G E