



**IN THE HIGH COURT OF MADHYA PRADESH  
AT INDORE**

**BEFORE**

**HON'BLE SHRI JUSTICE SUBODH ABHYANKAR**

**ON THE 18<sup>th</sup> OCTORBER, 2024**

**MISC. CRIMINAL CASE No. 44187/2024**

***RAVI***

*Versus*

***STATE OF MADHYA PRADESH AND ANOTHER***

**Appearance:**

*Shri Vikas Yadav- Advocate for the applicant.*

*Ms. Mridula Sen- P.L./G.A. for the State.*

*Shri Sanjay Chouhan- Advocate for the respondent No.2.*

**ORDER**

- 1] They are heard. Perused the case diary / challan papers.
- 2] This is the fourth bail application filed by the applicant under section 483 of the Bhartiya Nyaya Suraksha Sanhita, 2023/ Section 439 of Criminal Procedure Code, 1973, as he is implicated in connection with **Crime No.579/2022** registered at Police Station Gandhinagar District Indore (MP) for offence punishable under Section 354(D), 376(3), 450,506, 509 of IPC and Section 3(2)(v) of Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act 1989 and section 3/4 of THE PROTECTION OF CHILDREN FROM SEXUAL OFFENCES ACT, 2012. The applicant is in custody since 4/12/2022.



3] His third bail application was dismissed with liberty to renew prayer if the trial is not concluded within a further period of one month by this Court vide order dated 2.8.2024 passed in MCRC.No.31018/2024

4] Counsel for the applicant has submitted that the trial could not be concluded as directed by this Court within one month and as on 3.10.2024, when the matter was fixed for prosecution evidence, the learned judge of the trial Court, on his own directed that the caste certificate of the prosecutrix has not been produced through a Magistrate, hence he be called to prove the caste certificate of the prosecutrix. It is also submitted that earlier, the prosecution evidence was closed on 28.6.2024, and it was fixed on 5.7.2024, for recording of the accused statement under Section 313 of CRPC however, the accused statement could be recorded only on 5.9.2024, and he (the applicant/accused) also sought time to produce evidence, and the matter was fixed on 11.9.2024, and on that date the defence evidence was closed, and the matter was fixed on 23.9.2024 for final hearing. On 23.9.2024, counsel for the applicant sought time to argue the matter and the matter was fixed on 26.9.2024, and on 26.9.2024 again time was sought by the applicant which was granted as a last indulgence and the matter was fixed on 3.10.2024. However, on 26.9.2024 itself, subsequently, the learned judge of the trial Court found that the mark sheet of class 8<sup>th</sup> of the prosecutrix has been filed as Ex-P-1, which is of a different school whereas, as per deposition of her mother she was in a different school at the time when she took admission in class I, and thus, the Court, on its own observed that since no cogent



documents has been filed of the school of the prosecutrix, it would be necessary to call documents from her earlier school, and thus, the summons were issued to the principal of the said school to appear before the Court along with the relevant documents and the matter was fixed on 3.10.2024. On 3.10.2024, the summons could not be served to the said principal, hence, again the summons was issued and the matter was fixed for 17.10.2024.

5] It is submitted that on 17.10.2024, the said witness has been examined, and on 17.10.2024, i.e, yesterday, when the said witness came to the Court he brought the register of class II instead of Class I, and thus the matter has again been adjourned, and in such circumstances, it is submitted that for one reason or the other the matter is being adjourned from time to time by the trial Court itself, hence, the application may be allowed as the applicant is lodged in jail since 4.12.2022, and the final conclusion of trial is likely to take sufficient long time.

6] Counsel for the State has opposed the prayer.

7] Counsel for the respondent/objector on the other hand has vehemently opposed the prayer, and it is submitted that it was the counsel for the applicant who had sought time for at least two occasions to argue the matter, and thus, no case for interference is made out as the trial is likely to be concluded within a short span time.

8] Having considered the rival submissions, perusal of the case-diary as also the certified copies of the proceedings of the trial Court, this Court is of the considered opinion that as the trial has not concluded within one month's time as expected by this Court, and on



*suo motu* directions issued by the Trial Court to produce the additional evidence, the same has been adjourned from time to time. Thus, considering the fact that all the material witnesses have already been examined and the fact that the applicant is in jail since 4.12.2022, and the conclusion of the trial is not in sight, this Court is inclined to allow the present application.

9] Accordingly, without commenting anything on merits of the matter, the present application for grant of bail is allowed. The applicant is directed to be released on bail upon his furnishing a personal bond in the sum of Rs.**50,000/- (Rupees fifty Thousand)** with one solvent surety in the like amount to the satisfaction of the Trial Court for his appearance, as and when directed and shall also abide by the conditions enumerated under Section 437 (3) Criminal Procedure Code, 1973.

10] The learned judge of the trial Court is also expected to conclude the trial as expeditiously as possible.

11] The MCRC stands **allowed**.

C.c. as per rules.

Sd/-

**(SUBODH ABHYANKAR)**  
**JUDGE**