



1

MCRC-12848-2025

IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE

BEFORE

HON'BLE SHRI JUSTICE SUBODH ABHYANKAR

ON THE 4th OF AUGUST, 2025MISC. CRIMINAL CASE No. 12848 of 2025*DASHRATH**Versus**THE STATE OF MADHYA PRADESH*

.....
Appearance:

Ms. Sudha Shrivastava- Senior Advocate with Ms. Shradha Singh-advocate for the applicant.

Shri Vishal Singh Panwar-Govt. Adv. appearing on behalf of Advocate General.

.....

ORDER

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

2] This is the applicant's second bail application filed under Section 483 of Bharatiya Nagrik Suraksha Sanhita, 2023/ 439 of Criminal Procedure Code, 1973, as he / she is implicated in connection with Crime No.551/2024, registered at Police Station Vijay Nagar, District Indore (MP) for offence punishable under Sections 376, 376(2) (F) and 506 of the IPC and Section 5(l) and 6 of the POCSO Act, 2012. The applicant is in custody since 19.09.2024. Applicant's first bail application-M.Cr.C.no. 54842/2024 was dismissed as withdrawn by this Court on 10.1.2024.

3] Counsel for the applicant has submitted that subsequent to the aforesaid rejection of the bail application, the charges have been framed however, the prosecutrix is not appearing in the trial court that earlier on three occasions she did not turn up in the trial court and when the warrants were issued although she marked her presence but, the case diary was not available and now the matter is fixed for 07.08.2025. It is further submitted that admittedly, the date of incident is said to be 26.6.2022; whereas the FIR has been lodged on 29.07.2024, and it is not known where the prosecutrix



would again come on the next date of hearing or not. Counsel has also drawn the attention of this Court to the various photographs and telegram chats of the applicant and the prosecutrix, including the video call to demonstrate that both of them were having an affair however, a dispute has resulted in lodging of the FIR. Thus, it is submitted that the bail application be allowed and he be released on bail.

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

6] Having considered the rival submissions, perusal of the case diary, and the fact that the FIR has been lodged after a period of three years and the applicant is in jail since 19.09.2024, and the prosecutrix is not turning up in the trial court, this Court is inclined to allow the present bail application.

7] Accordingly, without commenting on the merits of the case, the application filed by the applicant is allowed. The applicant is directed to be released on bail upon furnishing a personal bond in the sum of Rs.25,000/- (Rupees Twenty Five 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.

8] M.Cr.C. stands *allowed* and *disposed of*.

Certified copy as per rules.

(SUBODH ABHYANKAR)
JUDGE