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MCRC-17352-2025

IN THE HIGH COURT OF MADHYA PRADESH  
AT INDORE

BEFORE

HON'BLE SHRI JUSTICE BINOD KUMAR DWIVEDI

ON THE 25<sup>th</sup> OF APRIL, 2025

MISC. CRIMINAL CASE No. 17352 of 2025

*LAL SINGH @ BAGAL S/O MOHAN*

*Versus*

*THE STATE OF MADHYA PRADESH AND ANOTHER*

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Appearance:

*Applicant by Shri Himanshu Nagda - Advocate on behalf of Shri  
Pankaj Ajmera - Advocate.*

*Respondent - State of Madhya Pradesh by Shri Rahul Solanki -  
Government Advocate appearing on behalf of Advocate General.*  
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ORDER

This repeat (second) bail application under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (equivalent to Section 439 of Cr.P.C.) has been filed by applicant - Lal Singh @ Bagal S/o Mohan for grant of regular bail, who has been arrested on 06.01.2025 in connection with Crime No.437 of 2024 registered at Police Station Chainpur, District Khargone (MP) for commission of offence under Sections 64, 64 (2), 64 (2) (M), 127 (2) and 351 (3) of Bharatiya Nyaya Sanhita, 2023. First application of the applicant was dismissed by this Court vide order dated 04.03.2025 passed in Miscellaneous Criminal Case No.9995 of 2025 with a liberty to revive his prayer after recording statement of the prosecutrix before the trial Court.

2. As per prosecution case, the allegation against the applicant is that



he has committed rape on victim / prosecutrix. Accordingly, a case has been registered against him.

3. Learned counsel for the applicant submits that it is a case of false implication. The victim is a major girl aged about twenty five years. The victim has been examined before the trial Court and has not supported the prosecution case. There is no sufficient evidence available on record to establish the complicity of the accused with the alleged crime. Investigation is complete and charge sheet has been filed. The applicant is suffering incarceration since 06.01.2025. There is no likelihood of his absconsion leaving his family, home and profession and also there is no likelihood of tampering with evidence by applicant. Final conclusion of the trial will take considerable long time, therefore, learned counsel prays for allowing the bail application and for grant of bail.

4. Per contra, learned counsel for the respondent / State has vehemently opposed the prayer; and prays for dismissal of the bail application.

5. Heard rival submissions of the learned counsel for the parties with the aid of case diary.

6. In the aforesaid factual backdrop, looking to the fact that the victim is a major and has not supported the prosecution case as well as trial will take time, this Court is inclined to grant benefit of bail to the applicant. Accordingly, without commenting on the merits of the case, the bail application is **allowed**.

7. It is directed that the applicant be released on bail upon his



furnishing personal bond in the sum of **Rs.50,000/- (Rupees Fifty Thousand Only)** with separate solvent surety in the like amount to the satisfaction of the trial Court, for his regular appearance before the concerned Court on all the dates fixed by the said Court, without any default, during trial. He shall abide by all the conditions enumerated under Section 480 (3) of BNSS.

8. The applicant will not indulge himself in any criminal activity in future. This order shall be effective till the end of the trial, however, in case of bail jump and / or breach of any of the conditions of bail, this order will come to an end and applicant will be liable to be arrested by the concerned authorities.

9. The concerned Court shall get the conditions reproduced on the personal bond by the accused and on surety bond by the surety concerned. If any of them is unable to write, the scribe shall certify that he had explained the conditions to the concerned accused or the surety.

10. Accordingly, this M.Cr.C. stands allowed and disposed off.

Certified copy as per rules.

(BINOD KUMAR DWIVEDI)  
JUDGE