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MCRC-18864-2025

IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE

BEFORE

HON'BLE SHRI JUSTICE SUBODH ABHYANKAR

ON THE 30th OF JULY, 2025MISC. CRIMINAL CASE No. 18864 of 2025*RAHUL**Versus**THE STATE OF MADHYA PRADESH*

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Appearance:

Shri Siddharth Jain - Advocate for the applicant.

Shri Apoorv Joshi - G.A. for respondent/State.

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ORDER

1] They are heard and perused the case diary.

2] This is the applicant's second bail application filed under Section 483 of *Bharatiya Nagarik Suraksha Sanhita, 2023*/ Section 439 of Cr.P.C. as he is implicated in connection with Crime No.05/2025 registered at Police Station Tirla, District- Dhar (MP) for offence punishable under Sections 64, 64(2)(M), 64(2)(h) and 351(2) of B.N.S., 2023. The applicant is in custody since 12.01.2025. His first bail application M.Cr.C. No.4298 of 2025 was dismissed by this Court on 31.01.2025 as withdrawn.

3] Counsel for the applicant has submitted that the prosecutrix, who was otherwise a consenting party, as she has resided with the applicant for a period of around 4 months and 8 days, is not turning up in the trial Court, as on as many as 7 occasions, when the matter was fixed for recording her evidence in the trial Court, she has failed to appear in the trial Court. In such



circumstances, since the applicant is lodged in jail since 12.01.2025, he deserves to be released on bail. Counsel has also submitted that the prosecutrix was already married and is a mother of a minor girl.

4] Counsel for the State, on the other hand, has opposed the prayer.

5] Having considered the rival submissions, perusal of the case-diary, and the fact that the prosecutrix has resided with the applicant for around four months and eight days along with her daughter, and considering the fact that the prosecutrix is also not appearing in the trial Court, this Court is inclined to allow the present application.

6] Accordingly, without commenting on 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.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.

7] Accordingly, the application is **allowed** and **disposed of**.

C.c. as per rules.

(SUBODH ABHYANKAR)
JUDGE