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MCRC-21364-2025

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. 21364 of 2025*DEEPAK MALVIYA**Versus**THE STATE OF MADHYA PRADESH*

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Appearance:

Shri Arshad Ahmed Mansoori - Advocate for the applicant.

Shri Virendra Khadav -GA appearing on behalf of Advocate General.

Shri Avdeshsingh Kushwah -Advocate for the respondent.

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ORDER

1] They are heard and perused the case diary.

2] This is the applicant's third 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.606/2023 registered at Police Station Kanadiya District Indore (MP) for offence punishable under Sections 363, 366, 376 (1) IPC and 4/5 of POCSO Act. The applicant is in custody since 2/10/2023.

3] The earlier second bail application of the applicant was dismissed on merits by this Court vide order dated 5/4/2024 passed in MCRC.No.10794/2024.

4] Counsel for the applicant has submitted that the charge sheet has been filed, and that the prosecutrix has already been examined in the trial



Court at the time of earlier rejection, however, subsequently she was again called and was confronted to her statement recorded under section 164 of CRPC in which she had given a clean chit to the applicant as she was a consenting party. It is also submitted that the age of the prosecutrix is also disputed, and the applicant has been lodged in jail since 2/10/2023, and it is more than one year and ten months, and out of 25 witnesses, only 15 witnesses have been examined till date. Thus, it is prayed that the application be allowed.

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

6] Counsel for the objector has also vehemently opposed the prayer and it is submitted that, looking to the earlier dismissal order, no case for the grant of bail is made out.

7] On due consideration of submissions and on perusal of the case-diary and the fact that the prosecutrix has already been reexamined and admittedly she has resided with the applicant for more than four days and her age is also disputed, and the applicant is lodged in jail since more than one year and ten months, this Court is inclined to allow the present application.

8] 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



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abide by the conditions enumerated under Section 437 (3) Criminal
Procedure Code, 1973.

9] Accordingly, the application is allowed and disposed of.

C.c. as per rules.

(SUBODH ABHYANKAR)
JUDGE

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