



1 MCRC-21425-2025
IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE

BEFORE
HON'BLE SHRI JUSTICE SUBODH ABHYANKAR

ON THE 10th OF JULY, 2025

MISC. CRIMINAL CASE No. 21425 of 2025

BHOPA @ANKIT

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

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Appearance:

Shri Mukesh Sinjonia - Advocate for the applicant.

Shri Vishal Singh Panwar - G.A. for respondent No.1/State.
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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.437/2024 registered at Police Station Dharampuri, District- Dhar (MP) for offence punishable under Sections 64 & 351(3) of B.N.S., 2023. The applicant is in custody since 28.12.2024. His first bail application M.Cr.C. No.4437 of 2025 was dismissed by this Court on 04.02.2025 as withdrawn, and the second bail application M.Cr.C. No.14063 of 2025 was allowed temporarily on 27.03.2025 on account of death of applicant's brother.

3] Counsel for the applicant has submitted that the allegation of rape has been made against the applicant, however, it is a case of consent, which is also apparent from the deposition of the prosecutrix, who has also stated that she was talking to the applicant continuously since last 8 months. It is submitted that the FIR has been lodged at the instance of her family members, and in the trial Court the prosecutrix has not appeared, despite issuance ofailable warrants, on as many as 7 occasions. It is also submitted that the applicant is lodged in jail since 28.12.2024, and the conclusion of trial is likely to take sufficient long time. Thus, it is prayed that the application be



allowed.

4] Counsel for the State has opposed the prayer.

5] Having considered the rival submissions, perusal of the case-diary, and taking note of the fact that the applicant has not misused the liberty extended to him when he was released temporarily on account of his brother's death and the prosecutrix is also not appearing in the trial Court. In such circumstances, and also taking into account her statement under Section 183 of B.N.S.S., 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