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MCRC-26575-2025

IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE

BEFORE

HON'BLE SHRI JUSTICE SANJEEV S KALGAONKAR

ON THE 4th OF AUGUST, 2025

MISC. CRIMINAL CASE No. 26575 of 2025

DEVKARAN

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

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Appearance:

Shri Yogesh Gupta, Advocate for the applicant.

Shri Apoorv Joshi, Govt. Advocate for the respondent/State.

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ORDER

This second application has been filed by the applicant under Section 483 of BNSS, 2023 for grant of bail in connection with Crime No.384/2024, registered at Police Station - Jeerapur, District Rajgarh(M.P.) for offence punishable under Sections 67, 64, 64(2), 70(1), 127(4) of BNS, 2023 and Section 5/6 of POCSO Act, 2012. Applicant is in judicial custody since 20.12.2024.

Heard the arguments.

Perused the grounds for grant of bail stated in the application, case diary and the relevant material on record.

Learned counsel for the applicant, in addition to the grounds mentioned in the application, submits that the applicant is falsely implicated in the alleged offence under pressure of family members of the victim. It is a case of romantic relationship between two young persons. Learned counsel



further submits that the applicant is aged around 26 years. He is labourer by profession. Applicant enjoys good character, social reputation. There is no likelihood of his absconsion leaving the family and home. There is no likelihood of tampering with evidence by the applicant for the reason that the material prosecution witnesses Victim(PW1), her mother(PW2) and her father(PW3) have been examined. They did not support the prosecution. Applicant is in custody since 20.12.2024. Jail incarceration of the applicant is causing hardship to the applicant. Applicant is ready to cooperate in further trial.

Per contra, learned counsel for the State opposes the application on the ground of gravity of alleged offence. However, after going through the case diary, he fairly states that no criminal antecedent is reported against the applicant.

According to the material available on case diary, applicant Devkaran enticed and kidnapped the minor victim aged around 16 years and 7 months and subjected her to penetrative sexual assault. However, the victim and her parents did not support the prosecution during trial. The parents of victim have stated that she was aged around 20 years at the time of alleged incident. The veracity of prosecution will be determined after evidence in the trial. As informed, the applicant is aged around 26 years and is labourer by profession and has the responsibility of aged parents.

Considering these aspects, there appears to be no possibility of fleeing from justice. In absence of any criminal antecedent, considering the socio



economic status of the applicants, there appears to be no likelihood of tampering with evidence or influencing the witnesses by the applicant. There appears to be no compelling reason to continue incarceration of the applicant. However, the observations, herein-above, are recorded for present application only.

Considering the rival contentions and overall circumstances of the case, in the light of aforestated facts, but without commenting on the merits, this Court is inclined to release the applicants on bail. Thus, the application is allowed.

Accordingly, it is directed that **applicant Devkaran** shall be released on bail in connection with Crime No.384/2024 registered at Police Station - Jeerapur, District Rajgarh(M.P.) for offence punishable under Sections 67, 64, 64(2), 70(1), 127(4) of BNS, 2023 and Section 5/6 of POCSO Act, 2012 upon furnishing a personal bond in the sum of **Rs.50,000/- (Rupees Fifty Thousand only)** with one solvent surety of the same amount to the satisfaction of the Trial Court, for compliance with the following conditions : (For convenience of understanding by accused and surety, the conditions of bail are also reproduced in Hindi as under):-

(1) Applicant shall remain present on every date of hearing as may be directed by the concerned court;

(1) आवेदक संबंधित न्यायालय के निर्देशानुसार सुनवाई की प्रत्येक तिथि पर उपस्थित रहेगा ।

(2) Applicant shall not commit or get involved in any offence of similar



nature;

(2) आवेदक समान प्रकृति का कोई अपराध नहीं करेगा या उसमें सम्मिलित नहीं होगा ।

(3) Applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them/him/her from disclosing such facts to the Court or to the police officer;

(3) आवेदक प्रकरण के तथ्यों से परिचित किसी व्यक्ति को प्रत्यक्ष या अप्रत्यक्ष रूप से प्रलोभन, धमकी या वचन नहीं देगा, जिससे ऐसा व्यक्ति ऐसे तथ्यों को न्यायालय या पुलिस अधिकारी को प्रकट करने से निवारित हो ।

(4) Applicant shall not directly or indirectly attempt to tamper with the evidence or allure, pressurize or threaten the witness;

(4) आवेदक प्रत्यक्ष या अप्रत्यक्ष रूप से साक्ष्य के साथ छेड़छाड़ करने का या साक्षी या साक्षियों को बहलाने-फुसलाने, दबाव डालने या धमकाने का प्रयास नहीं करेगा ।

(5) During trial, the applicant shall ensure due compliance of provisions of Section 309 of Cr.P.C./346 of Bharatiya Nagarik Suraksha Sanhita, 2023 regarding examination of witnesses in attendance;

(5) विचारण के दौरान, उपस्थित गवाहों से परीक्षण के संबंध में आवेदक धारा ३०९ दं. प्र.सं./ ३४६ भारतीय नागरिक सुरक्षा संहिता, 2023 के प्रावधानों का उचित अनुपालन सुनिश्चित करेगा ।

This order shall be effective till the end of trial. However, in case of breach of any of the preconditions of bail, the Trial Court may consider, on merit, cancellation of bail without any impediment of this order.



The trial Court shall get these 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/she had explained the conditions to the concerned accused or the surety.

C.C. as per rules.

(SANJEEV S KALGAONKAR)
JUDGE

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