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MCRC-29823-2025

IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE

BEFORE

HON'BLE SHRI JUSTICE SUBODH ABHYANKAR

ON THE 6th OF AUGUST, 2025MISC. CRIMINAL CASE No. 29823 of 2025*DIVYASH ALIAS NILESH**Versus**THE STATE OF MADHYA PRADESH*

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Appearance:

Shri Nitendra Vajpayee - Advocate for the applicant.

Shri Virendra Khadav -GA appearing on behalf of Advocate General[r-1].

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ORDER

1] They are heard and perused the case diary.

2] This is the applicant's first 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.318/2025 registered at Police Station Indore, Distt.-Indore for offence punishable under Sections 376, 376(2)(n), 323,294,506 of IPC/ BNSS,2023. The applicant has been in custody since 19.6.2025.

3] The allegation against the applicant is of rape on the pretext of marriage.

4] Counsel for the applicant has submitted that the FIR has been lodged on 18.6.2025 in respect of the incident which took place from 14.12.2021 to 31.12.2024, and admittedly the prosecutrix was a consenting party and only because of a dispute between them, the FIR has been lodged against the applicant. It is further submitted that the applicant has been lodged in jail since 19.6.2025, and the final conclusion of the trial will take a sufficient long time. Thus, it is prayed that the application be allowed.

5] Counsel for the State on the other hand, has opposed the prayer, and it is submitted that the applicant had assured the prosecutrix of marriage; thus, no case for



grant of bail is made out.

6] On due consideration of submissions and on perusal of the case-diary as also the statement of the prosecutrix it is apparent that she was having intimate relationship with the applicant from 2021 and only in the month of June, 2025 the FIR has been lodged and also considering the fact that the applicant is lodged in jail since 19.6.2025 and the final conclusion of trial will take sufficient long time, this Court is inclined to allow the present application.

7] 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.

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

C.c. as per rules.

(SUBODH ABHYANKAR)
JUDGE

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