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MCRC-30084-2025

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. 30084 of 2025*RUPESH**Versus**THE STATE OF MADHYA PRADESH AND OTHERS*

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Appearance:

Shri Nilesh Sharma - Advocate for the applicant.

Shri K K Tiwari -GA appearing on behalf of Advocate General.

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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.246/2025 registered at Police Station Rajpur District Barwani for offence punishable under Sections 137(2), 64, 64(2) (M), 64(2) (F), 87 of BNS and Section 3/4,5L/6 of the POCSO Act. The applicant is in custody since 28/4/2025.

4] The allegation against the applicant is of abduction and rape.

5] Counsel for the applicant has submitted that the age of the prosecutrix is disputed and she has already been examined before the trial Court and has not supported the case of the prosecution and had resided with the applicant for a period of two days and she has stated that she wants to marry the applicant and does not want him to be convicted which is also reflected from her statement recorded under Section 183 of BNSS/164 of Cr.P.C. Copy of her deposition is also filed on record. It is also submitted that the applicant has been lodged in jail since 28/4/2025 and the conclusion of trial will take a sufficient long time, thus, it is prayed that the application be allowed.



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

7] On due consideration of submissions and on perusal of the case-diary as also the statement of the prosecutrix and that the applicant has been lodged in jail since 28/4/2025 and the conclusion of trial will take a sufficient long time, 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 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