



IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE

BEFORE

HON'BLE SHRI JUSTICE SUBODH ABHYANKAR

ON THE 4th OF SEPTEMBER, 2025

MISC. CRIMINAL CASE No. 37039 of 2025

ARBAZ AND OTHERS

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

Appearance:

Shri Nilesh Dave - Advocate for the applicants.

Shri Virendra Khadav- G.A. for the State.

Ms. Archana Maheshwari- Advocate for the objector.

ORDER

1] They are heard. Perused the case diary/challan papers.

2] This is the applicants' first bail application filed under Section 483 of Bharatiya Nagrik Suraksha Sanhita, 2023/ 439 of Criminal Procedure Code, 1973, as they are implicated in connection with Crime No.207/2025 registered at Police Station Sanawad, District Khargone (MP) for offence punishable under Sections 137(2), 87, 64(2)(M) and 3(5) of the Bharatiya Nyaya Sanhita, 2023 and Section 3/4 and 5(L)/6 of POCSO Act. The applicants are in custody since 01.08.2025 and 28.07.2025 respectively.

3] Allegation against the applicants is that they also accompanied the main accused Mahin, against whom it is alleged that he was earlier engaged to the prosecutrix, and subsequently, on account of a dispute, the FIR has been lodged.

4] Counsel for the applicants has submitted that there is no allegation of rape against the applicants, except that they were also present on the spot when the prosecutrix left with the main accused along with other accused persons. It is also submitted that the prosecutrix has no objection if the bail application is allowed. It is further submitted that the applicants are lodged in jail since 01.08.2025 and



28.07.2025 respectively and the final conclusion of trial is likely to take sufficient long time. Hence, it is submitted that the bail application be allowed and they be released on bail.

5] Counsel for the objector/prosecutrix has also submitted that she has no objection if the bail application is allowed.

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

7] Having considered the rival submissions, perusal of the case diary as also the documents filed on record, and considering the fact that the prosecutrix has no objection if the application is allowed and the main allegations are against co-accused Mahin, this Court is inclined to allow the present application.

8] Accordingly, without commenting on the merits of the case, the application filed by the applicants Arbaz and Nadu is allowed. The applicants are directed to be released on bail upon furnishing a personal bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand) each with separate solvent surety of the like amount to the satisfaction of the trial Court for their regular appearance before the trial Court during trial with a condition that they 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] M.Cr.C. stands *allowed* and *disposed of*.

Certified copy as per rules.

(SUBODH ABHYANKAR)
JUDGE