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MCRC-44782-2025

IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE

BEFORE

HON'BLE SHRI JUSTICE HIMANSHU JOSHI

ON THE 1st OF OCTOBER, 2025

MISC. CRIMINAL CASE No. 44782 of 2025

SUNIL

Versus

THE STATE OF MADHYA PRADESH

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Appearance:

Shri Anopam Chouhan - Advocate for the petitioner.

Shri Virendra Khadav - Govt. Advocate for the respondent/State.
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ORDER

This first application under Section 483 of the Bharatiya Nagrik Suraksha Sanhita, 2023, has been filed on behalf of the applicant for grant of bail relating to Crime No.198/2025 registered at Police Station- Nalcha, District- Dhar, for the offence under Sections 137(2), 87, 64, 64(2)(M), of Bharatiya Nyaya Sanhita, 2023, and Section 3/4, 5(L)/6 of the Protection of Children from Sexual Offences Act, 2012. Applicant is in custody since 19.07.2025.

2. As per the prosecution story, the father of victim informed at Police Station- Nalcha that on 06.07.2025 at around 09:00 p.m., the whole family had gone to sleep and at around 2:00 in the night, when he woke up to drink water, he found that the victim aged about 17 years was not on her bed. Thereafter, she was searched everywhere but all efforts went in vein. Upon the said information, missing person report was lodged and investigation was



initiated.

3. Learned counsel for the applicant submits that the applicant is in jail since 19.07.2025. He submits that the prosecutrix in her statements recorded under Section 164 of Cr.P.C., has not supported the prosecution story and stated that she had gone with the applicant as per her own will. He further submits that the present applicant is aged about 20 years and the prosecutrix is aged more than 17 years. He submits that it is a matter of consent. There is no direct or indirect evidence against the applicant and he bears no criminal record. Upon these grounds, he prays that the applicant be released on bail.

4. On the other hand, learned counsel for the State opposed the bail application and submitted that looking to the serious allegations made against the applicant, no case of grant of bail is made-out.

5. I have heard the submissions of learned counsel for the parties and perused the case-diary.

6. Perusal of statements of prosecutrix recorded under Section 164 of Cr.P.C., it reflects that the applicant and prosecutrix were in relationship, therefore, looking to the totality of facts and circumstances of the case, the custody period of the applicant and taking into consideration the facts that the prosecutrix being aged around 17 years (though a minor), having reached an age of discretion, had accompanied the applicant on her own volition, this Court deems it to be a fit case to release the applicant on bail. Therefore, without commenting on the merits of the case, the application is **allowed**.

7. It is directed that the applicant be released on bail upon his furnishing a personal bond in the sum of Rs.50,000/- (Rupees Fifty



Thousand) with one solvent surety of the like amount to the satisfaction of the trial Court concerned for his appearance on the dates given by it.

8. It is further directed that the applicant shall comply with the provisions of Section 480(3) of BNSS.

9. Accordingly, Misc. Criminal Case stands disposed of.

C.c. as per rules.

(HIMANSHU JOSHI)
JUDGE

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