

The High Court Of Madhya Pradesh**MCRC-40998-2020***(JAGENDRA SAKET Vs THE STATE OF MADHYA PRADESH)***Jabalpur, Dated : 25-11-2020****Heard through Video Conferencing.**

Shri Manish Datt, learned Sr. Advocate with Shri N.P. Verma, Advocate for applicant.

Shri Vinod Mishra, learned P.L. for the respondent/State.

This is first bail application filed by the applicant under Section 439 of the Cr.P.C. for grant of bail, who is in custody since 23.09.2020 in connection with Crime No.633/2020 registered at Police Station Kotwali, District Sidhi for the offence punishable under Section 376 of the IPC.

Allegation against the applicant is that on false promise to marry with the prosecutrix, he committed sexual intercourse with her.

It is submitted that the applicant is innocent. He is in custody since 23.9.2020. Charge sheet has been filed. Trial will take time. The applicant has no criminal antecedent. As per prosecution story, the incident was taken place in May 2019 and report was lodged on 21st September, 2020 when father of the applicant has denied to solemnize marry of the applicant with the prosecutrix, therefore, it cannot be said that the applicant made false promise with the prosecutrix and it is not alleged that the applicant has denied to marry with the prosecutrix. Under these circumstances, prima facie, no offence is made out against the applicant. There is no likelihood of his absconding and tempering with the material witnesses. His further custody is not warranted. Hence, he be enlarged on bail.

Learned P.L. opposed the application and prayed for rejection of the same.

Having considered the contentions of learned counsel for the parties and looking to the facts and circumstances of the case, further custody of the applicant is not warranted, without commenting anything on the merits of the case, in view of this court, it is a fit case to grant bail. Hence, this

application is allowed.

Applicant **Jagendra Saket** is directed to be released on bail on furnishing personal bond in a sum of Rs.40,000/- with a solvent surety in the like amount to the satisfaction of the trial court for his appearance before the trial Court on the dates so fixed by that Court during trial. It is directed that applicant shall comply the provisions of Section 437(3) Cr.P.C.

Certified copy as per rules.

(J. P. GUPTA)
JUDGE

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