

THE HIGH COURT OF MADHYA PRADESH
M.Cr.C. No. 63263/2021
(Chhotu @ Swambar Pagare Vs. The State of M.P.)

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Jabalpur, Dated : 24 / 01 / 2022

Heard through Video Conferencing.

Shri J.L. Soni, learned counsel for the applicant.

Shri Abhay Raj Singh Chouhan, learned P.L. for the respondent / State.

Heard with the aid of case diary.

This is **first** application filed under section 439 Cr.P.C. Applicant **Chhotu @ Swambar Pagare** was arrested on 10.10.2021 in Crime No. 141/ 2021 registered at Police Station Kesla, District Hoshangabad for the offence punishable under Sections 450, 376 and 506 of IPC.

As per the prosecution case, on 02.06.2021 at around 8 pm applicant came to the house of prosecutrix and made sexual relation with her on the pretext of marriage. Thereafter he denied to marry her.

Learned counsel for the applicant submits that the applicant is innocent and has falsely been implicated in this case. It is alleged that applicant made sexual relation with the prosecutrix on 02.06.2021 while the prosecutrix lodged the FIR on 10.10.2021. There is no plausible explanation regarding delay in lodging the FIR. The prosecutrix was major. Charge sheet has been filed. The applicant has been in custody since 10.10.2021 and the conclusion of trial will take time, hence prayed for release of the applicant on bail.

Learned counsel for the State opposed the prayer and submitted applicant made sexual relation with the prosecutrix on the pretext of marriage thereafter he denied to marry her, so he should not be released on bail.

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Looking to the facts and circumstances of the case and the fact that the prosecutrix was major, it is alleged that applicant made sexual relation with the prosecutrix on 02.06.2021 while the prosecutrix lodged the FIR on 10.10.2021, applicant is in custody since 10.10.2021, charge-sheet has been filed and conclusion of trial will take time, without commenting on the merits of the case, the application is allowed and it is directed that the applicant be released on bail upon his furnishing personal bond in the sum of **Rs.50,000/- (Rs. Fifty Thousand Only)** with **one surety** in the like amount to the satisfaction of the concerned C.J.M/trial Court for his appearance before the trial Court on all such dates as may be fixed in this behalf by the trial Court during the pendency of trial.

This order will remain operative subject to compliance of the following conditions by the applicant :-

1. The applicant will comply with all the terms and conditions of the bond executed by him;
2. The applicant will cooperate in the trial;
3. The applicant will not indulge himself in extending inducement, threat or promise to any person acquainted with the fact of the case so as to dissuade him from disclosing such facts to the Court or to the Police Officer, as the case may be;
4. The applicant shall not commit an offence similar to the offence of which he is accused;
5. The applicant will not seek unnecessary adjournments during the trial; and
6. The applicant will not leave India without prior permission of the trial Court.

C.C. on payment of usual charges.

(Rajeev Kumar Dubey)
Judge