

**IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR**

BEFORE

HON'BLE SHRI JUSTICE VIVEK AGARWAL

ON THE 24th OF JUNE, 2024

MISC. CRIMINAL CASE No. 23954 of 2024

(VIKAS PATEL

Vs

THE STATE OF MADHYA PRADESH)

Appearance:

(SHRI RAMANUJ CHOUBEY - ADVOCATE FOR THE APPLICANT)

(SHRI HAVITASHVA SHARMA - ADVOCATE FOR OBJECTOR)

*(SHRI SHIVKUMAR SHRIVASTAVA - GOVERNMENT ADVOCATE FOR
RESPONDENT/STATE)*

ORDER

This is first bail application under Section 439 of the Cr.P.C. filed on behalf of applicant - **Vikash Patel S/o Indu Patel @ Indra Kumar Patel**.

Case crime No. 377 of 2024 is registered at Police Station Madhotal, District Jabalpur (M.P) for the offence punishable under Section 376, 376(2)(N) of IPC. Applicant is in custody since 12.05.2024.

Shri Ramanuj Choubey, learned counsel for the applicant submits that as per prosecution story, present applicant had violated privacy of prosecutrix on 28.02.2024 on the pretext of marriage. Prosecutrix is major. A case of consensual sex between two consenting adults has been converted into a criminal case. Learned counsel for applicant placed reliance on the judgment of Hon'ble Apex Court in the case of *Pramod Suryabhan Pawar Vs. State of Maharashtra and another, 2019 (9) SCC 608*. It is further submitted that applicant is innocent. Investigation is complete, charge sheet is filed. No further custodial interrogation of the applicant is required. On these grounds, prayer is made to enlarge the applicant on bail.

Learned Panel Lawyer for the State opposes bail application and submits

that in her statement recorded under Section 164 of Cr.P.C. she has supported prosecution case.

Taking into consideration the fact that the prosecutrix is major. Applicant and prosecutrix were known to each other, there is an indication that there was a consent between them and also taking into consideration that investigation is complete, charge-sheet is filed, without commenting anything on the merits and in view of the law laid down by the Supreme Court in *Pramod Suryabhan Pawar (supra)* this bail application is **allowed**.

It is directed that applicant **Vikash Patel** be released on bail on his furnishing a personal bond to the tune of **Rs.50,000/- (Rupees Fifty Thousand Only)** with two solvent sureties in the like amount to the satisfaction of the learned trial Court to appear before the said Court on the dates given by the concerned Court during pendency of trial. It is further directed that the applicants shall comply with the provisions of Section 437(3) of the Cr.P.C.

This order shall be effective till the end of the trial, however, in case of bail jump and breach of any of the pre-condition of bail, it shall become ineffective.

Certified copy as per rules.

(VIVEK AGARWAL)
V. JUDGE

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