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MCRC-37954-2024

IN THE HIGH COURT OF MADHYA PRADESH  
AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE VISHAL MISHRA

ON THE 12<sup>th</sup> OF SEPTEMBER, 2024MISC. CRIMINAL CASE No. 37954 of 2024*VIKAS BANSAL**Versus**THE STATE OF MADHYA PRADESH AND OTHERS*

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Appearance:

*Ms. Ghuncha Rasool - Advocate for applicant.*

*Shri Jubin Prasad - Panel Lawyer for respondent/State.*

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ORDER

This is the second application filed by the applicant under Section 439 of the Code of Criminal Procedure for grant of regular bail relating to Crime No.80 of 2024 registered at Police Station Sahaganj, District Raisen (M.P.) for the offence under Sections 363, 366 & 376 (2) (n) of the Indian Penal Code. His first application was dismissed as withdrawn vide order dated 15.07.2024 passed in M.Cr.C.No.28261 of 2024.

2. It is pointed out that the applicant has been falsely implicated in the case and he has not committed any offence in any manner. He has drawn attention to this court to the statement of victim wherein she has narrated the fact that she is aged about 17 years old and she was having love affairs with the present applicant and they were residing together as husband and wife. The matter has already been settled between the parties and they wanted to marry each other, on which, the family members are already agreed. The aforesaid fact was not considered by the trial court and the application has been rejected. Affidavits of the family member have been filed to the aforesaid effect. The applicant is the first offender and is



ready to abide by all the terms and conditions that may be imposed by this Court while considering the bail application. On these grounds, he prays for grant of bail.

3. Per contra, learned counsel appearing for the State has vehemently opposed the application, however, he could not dispute the fact that the matter has been compromised between the parties and affidavits have been filed to this effect before this court. The victim was minor at the time of commission of offence and there is no verification with respect to the affidavits which have been placed before the this court.

4. Considering the overall facts and circumstances of the case and without commenting upon the merits of the case, this Court deems it appropriate to allow this application. Accordingly, the application is allowed **subject to the verification of the affidavits which have been furnished before the this court and also subject to the fact that the applicant is the first offender**. The applicant is directed to be released on bail on furnishing personal bond of Rs.50,000/- (**Rupees Fifty Thousand only**) with one local surety in the like amount to the satisfaction of trial Court. It is also directed that the applicant shall comply with the conditions as enumerated under Section 437(3) of Cr.P.C.

5. This order shall remain effective till the end of the trial but in case of bail jump and breach of any of the pre-condition of bail, it shall become ineffective and cancelled without reference to this Bench.

6. The application is accordingly **allowed**.

(VISHAL MISHRA)  
JUDGE



sj