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MCRC-28823-2025

IN THE HIGH COURT OF MADHYA PRADESH  
AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE ACHAL KUMAR PALIWAL

ON THE 13<sup>th</sup> OF AUGUST, 2025MISC. CRIMINAL CASE No. 28823 of 2025*RAHUL MISHRA**Versus**THE STATE OF MADHYA PRADESH AND OTHERS*

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Appearance:

*Shri Ramraj Chauhan - Advocate for the applicant.*

*Shri Gitesh Singh Thakur- Government Advocate for the respondent/State.*  
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ORDER

This is repeat (second) bail application filed on behalf of applicant under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

2. The applicant is in jail since 06.01.2025 in connection with Crime No.444 of 2024 registered at P.S. Adhartal, District-Jabalpur for the offence punishable under Sections 363, 376(3), 376(2)(N) and 376 of BNS and Sections 5(j)(ii), 5(1) with section 6 of POCSO Act.

3. Applicant's first application was dismissed as withdrawn by order dated 12.03.2025 passed in M.Cr.C.No.4983 of 2025 with liberty to renew the prayer after recording of statement of prosecutrix.

4. Prosecution story in brief is that applicant repeatedly committed aggravated penetrative sexual assault on minor prosecutrix.

5. Learned counsel for the applicant submits that earlier bail application was dismissed as withdrawn with liberty to renew the prayer after recording of statement of prosecutrix. As of now, prosecutrix's has been examined and she did not support the prosecution story. It is a case of consensual relationship. She had



left her house at her own. In this connection, he has referred to prosecutrix statement recorded under Section 183 of BNS. On above grounds, it is urged that applicant be released on bail.

6. Learned Government Advocate for the respondent/State, on the other hand, has opposed the application.

7. Looking to overall facts, including custody period, I deem it proper to release the applicant on bail.

8. It is directed that applicant be released on bail on his furnishing a personal bond in the sum of **Rs.15,000/- (Rupees Fifteen Thousand only)** with one solvent surety in the like amount to the satisfaction of the trial Court, for his regular appearance before the trial Court during trial with a condition that he shall remain present before the concerned Court on all the dates fixed by it during trial. He shall abide by all the conditions enumerated under Section 480(3) of Bharatiya Nagarik Suraksha Sanhita, 2023.

9. This order shall be effective till the end of the trial. However, in case of bail jump and breach of any of the conditions of bail, it shall become ineffective.

10. **Soft copy of this bail order be sent immediately/forthwith to the applicant through concerned Jail Superintendent.**

11. M.Cr.C. stands allowed and disposed of.

12. Certified copy as per rules.

**(ACHAL KUMAR PALIWAL)**  
**JUDGE**