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MCRC-889-2025

IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE DINESH KUMAR PALIWAL

ON THE 19th OF MARCH, 2025MISC. CRIMINAL CASE No. 889 of 2025*BHAGWANDAS**Versus**THE STATE OF MADHYA PRADESH*

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Appearance:

*Shri Anoop Saxena - Advocate for the applicant.**Shri A. N. Gupta - Govt. Advocate for respondent.*
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ORDER

This is second application filed by the applicant under Section 483 of BNSS, 2023 (Section 439 of the Cr.P.C., 1973) for grant of regular bail relating to FIR No.556/2023, dated 19.8.2023 registered at Police Station-City Kotwali, District-Chhatarpur (M.P.) for commission of offence punishable under Sections 376, 450 of IPC. Applicant is in detention since 21.8.2023.

2 Applicant's first bail application was dismissed as withdrawn and not pressed vide order dated 16.2.2024 passed in M.Cr.C. No.3079 of 2024 with liberty to revive the prayer for grant of bail after receipt of DNA report.

3 As per the prosecution story, on 19.8.2023 38 years old complainant moved an application alleging that his wife, who is 35 years old, is a deaf and dumb. It is alleged that on 17.8.2023 at around 8 P.M. when he came back to home, he saw Bhagwandas committing rape upon his wife. He lifted him from her person but he fled away. His wife informed him through signs



and gestures that Bhagwan Das had demanded match stick and when she went inside the house to take match box, Bhagwandas came from behind and committed rape upon her. First of all he was willing to take the matter in Panchayat but now he is lodging the FIR. After investigation, charge-sheet has been filed.

4 Learned counsel for the applicant has submitted that applicant has not committed any offence. He is innocent. He has been falsely implicated. He never committed any rape upon the prosecutrix, on account of enmity, he has been falsely implicated. He is in jail for last more than 19 months. Prosecutrix is not appearing before the trial Court for tendering evidence. Therefore, it is prayed that applicant may be released on bail, pending the trial.

5. On the other hand, learned counsel for the State has opposed the prayer for grant of bail to the applicant.

6. Prosecutrix has not been examined so far as she is not appearing before the trial Court for tendering her evidence. DNA report has been received and same is negative with regard to applicant. Therefore, having taken into consideration all the facts & circumstance of the case, but without expressing anything on the merits of the case, I am of the view that it is a case in which further pre-trial detention of the applicant is not warranted. Consequently, this bail application under Section 483 of BNSS, 2023 (Section 439 of CrPC, 1973) for grant of bail filed on behalf of applicant, stands **allowed**.

7 . It is directed that **applicant - Bhagwandas** be released on bail on his furnishing a personal bond in the sum of Rs.50,000/- (**Rupees Fifty 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 BNSS, 2023 [Section 437(3) of Cr.P.C., 1973].

8. 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.

Certified copy as per rules.

(DINESH KUMAR PALIWAL)
JUDGE

mrs. mishra