

(2023) 09 MP CK 0101

In the Madhya Pradesh High Court

Case No : Miscellaneous Criminal Case No. 41878 Of 2023

Aditya

APPELLANT

Vs

State Of Madhya Pradesh

RESPONDENT

Date of Decision : 20-09-2023

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 437(3), 439
Indian Penal Code, 1860 — Section 376(2)(N)

Citation : (2023) 09 MP CK 0101

Hon'ble Judges : Anil Verma, J

Bench : Single Bench

Advocate : Anirudh Saxena, Mukesh Sharma

Final Decision : Allowed

Judgement

Anil Verma, J

1 . Heard on IA No. 14246/2023 which is an application for dispensing with filing legible typed copy of documents.

The concerned documents are quite legible, therefore, no need to file legible typed copy of documents.

Accordingly IA is disposed off.

This is the first application filed by the applicant under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail relating to Crime No.534/2023 registered at Police Station Industrial Area Ratlam, District Ratlam (M.P.) for the offence under Sections 376-2-N of the Indian Penal Code, 1860.

The applicant is in custody since 4.9.2023.

2. As per prosecution story, friendship between prosecutrix and present applicant started since 1.2.2019 and they first time met in a marriage function. The applicant has told prosecutrix that he wants to marry with her and made physical

relationship with her. Then applicant has taken admission in medical college Jabalpur and prosecutrix also taken admission in veterinary college Jabalpur. The applicant has made physical relationship so many times with prosecutrix on the pretext of marriage and thereafter in the month of April 2023 he denied to marry with her. Then prosecutrix narrated the whole story to her father and other family members and lodged FIR at police station Industrial Area Ratlam. Accordingly, offence has been registered against the applicant.

3. Learned counsel for the applicant submits that the applicant is an innocent person and he has been falsely implicated in this offence. He is in custody since 4.9.2023. The prosecutrix is a 23 years major lady studying in veterinary college. The applicant is also a medical student. FIR is about 3 years belated. Prosecutrix has lodged false report against him, applicant is permanent resident of District Ratlam. Final conclusion of the trial is likely to take sufficient long time. Under the above circumstances, prayer for grant of bail may be considered on such terms and conditions, as this Court deems fit and proper.

4. Per contra, learned counsel for the respondent / State opposes the bail application and prays for its rejection.

5. Perused the impugned order of the trial Court as well as the case diary.

6. After considering all the facts and circumstances of the case, nature and gravity of offence, arguments advanced by the learned counsel for the applicant and also taking note of the fact that prosecutrix remained in the company of applicant for a period of about 3 years, she is major and matured lady, FIR is also 3 years belated without any satisfactory explanation, investigation is almost over, and final conclusion of the trial will take sufficient long time, I deem it proper to release the applicant on bail. Therefore, without commenting on the merits of the case, the application is allowed.

7. It is directed that applicant be released on bail on his furnishing personal bond in the sum of Rs.75,000/- (Rupees Seventy Five Thousand Only) with one solvent surety in the like amount to the satisfaction of the trial Court for his appearance before the trial Court, as and when required. He shall abide by all the conditions enumerated under Section 437(3) Cr.P.C.

Certified copy as per rules.