

(2022) 12 MP CK 0140

In the Madhya Pradesh High Court

Case No : Miscellaneous Criminal Case No.61709 Of 2021

Aman @ Rishi Upadhyay

APPELLANT

Vs

State Of Madhya Pradesh

RESPONDENT

Date of Decision : 26-12-2022

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 438

Citation : (2022) 12 MP CK 0140

Hon'ble Judges : Nandita Dubey, J

Bench : Single Bench

Advocate : D.D. Bhawe, Yogendra Das Yadav

Final Decision : Allowed

Judgement

Nandita Dubey, J

This is the first bail application filed by the applicant under Section 438 of Cr.P.C. for grant of anticipatory bail.

The applicant apprehends his arrest in connection with Crime No.437/2022 registered at Police Station Madanmahal, District Jabalpur for the offences mentioned therein.

As per prosecution, the complainant/prosecutrix filed a complaint on 08.12.2022 that she knew the applicant for over more than a year. The applicant has proposed marriage to her. However, she stated that she can only do so, if her family members agree. It is stated that the applicant took her to his house on the pretext that he is not feeling well and has committed rape on her on 03.07.2022. When the prosecutrix asked him to marry her, the same was refused.

Learned counsel for the applicant submits that the applicant has been falsely implicated. The prosecutrix/complainant has been pressurizing the applicant to marry her to which he has refused, hence false case of rape has been filed by her. It is stated that the prosecutrix is a major person. The applicant has totally

denied the case. It is stated that no such act has been committed by him. It is further pointed out that he has completed Engineering and has been appointed as an Intern in the WIPRO Limited (Company/WIPRO). Under such circumstances, he would not even think of committing any such act that would jeopardize his career. Hence, it is prayed that the applicant may be granted anticipatory bail.

Learned counsel for the State has opposed the bail application. However, he fairly submits that there are no criminal antecedents registered against the present applicant.

Under such circumstances, on the undertaking that the applicant would not force or pressurize the prosecutrix or any of the witnesses during the trial and he would also cooperate in the investigation and remain present before the police station as and when he is called for recording his statements or otherwise.

Considering the aforesaid, this application is allowed. It is directed that in the event of arrest, applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.1,00,000/- (Rs. One lakh only) with a solvent surety in the like amount to the satisfaction of Arresting Officer.

This order will remain operative subject to compliance of the following conditions by the applicant:-

1. The applicant will comply with all the terms and conditions of the bond executed by him;
- 2 . The applicant will make himself available as and when called for interrogation and cooperate in the investigation/trial, as the case may be;
3. The applicant will not indulge himself in extending inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to the Police Officer, as the case may be;
4. The applicant will not seek unnecessary adjournments during trial;
5. The applicant will not leave India without previous permission of the trial Court/Investigating Officer, as the case may be; and
6. If the applicant commit any offence while being on anticipatory bail, then this order shall automatically stand cancelled without reference to the Court.

Certified copy as per rules.