

(2024) 04 MP CK 0119

In the Madhya Pradesh High Court

Case No : Miscellaneous Criminal Case No. 14140 Of 2024

Balram

APPELLANT

Vs

State Of Madhya Pradesh

RESPONDENT

Date of Decision : 16-04-2024

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 164, 437(3), 439
Indian Penal Code, 1860 — Section 376, 376(2)(n), 406, 506

Citation : (2024) 04 MP CK 0119

Hon'ble Judges : Vijay Kumar Shukla, J

Bench : Single Bench

Advocate : Sachin Parmar, Ajay Raj Gupta

Final Decision : Allowed

Judgement

Vijay Kumar Shukla, J

1. This is first application filed under Section 439 of Cr.P.C. for grant of regular bail to the applicant, relating to FIR/Crime No.131/2024 dated (not mentioned) registered at P.S. City Kotwali, District Mandsaur (M.P.) for commission of offence punishable under Sections 376, 376(2)(n), 506 and 406 of IPC.

As per prosecution case, the present applicant on the promise of marriage, kept the prosecutrix in a rented flat and made physical relationship with her from 1.5.2023. He had also taken a sum of about Rs.20 Lacs from the complainant and refused to give back the said money.

2. Learned counsel for the applicant submits that applicant has falsely been implicated. It is further submitted that prosecutrix is a major woman and she was knowing that applicant is already a married person and despite that she made physical relationship.

3. Learned counsel for the respondent-State opposes the prayer and submits that in the statement under section 164 Cr.P.C., the prosecutrix has made allegation

of physical relation because of promise of marriage and also Rs.20 Lacs was given to the applicant which he refused to return.

4. After hearing learned counsel for parties and considering the fact that prosecutrix is a major woman and a divorcee and she was knowing that applicant is a married person and despite that she made physical relationship with him, applicant is in jail since 11.3.2024, investigation is completed, chargesheet has been filed and conclusion trial of this case will take sufficient long time. Therefore, without commenting on the merits of the case the application is allowed.

5. Accordingly, it is directed that the applicant- Balram be released on bail on his furnishing a personal bond for the sum of Rs.50,000/- (Rupees Fifty Thousands Only) with one solvent surety in the like amount to the satisfaction of the trial Court, for securing his presence before the said Court regularly on all the dates fixed in this regard during trial and for complying with the conditions enumerated in sub-section (3) of Section 437 of Cr.P.C.

C.c. as per rules.