
(2020) 02 MP CK 0137

In the Madhya Pradesh High Court

Case No : Miscellaneous Criminal Case No. 52345 Of 2019

Lucky Alias Krishan Kumar

APPELLANT

Vs

State Of Madhya Pradesh

RESPONDENT

Date of Decision : 18-02-2020

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 164, 439

Indian Penal Code, 1860 — Section 323, 366, 376(B), 506

Madhya Pradesh Dakaiti Aur Vyapharan Prabhavit Kshetra Adhiniyam, 1981 — Section 11, 13

Citation : (2020) 02 MP CK 0137

Hon'ble Judges : S.A. Dharmadhikari, J

Bench : Single Bench

Advocate : Jitendra Kumar Sharma, Sanjeev Mishra

Final Decision : Dismissed

Judgement

Learned counsel for the rival parties are heard.

The applicant has filed this first application under section 439 of the Cr.P.C. for grant of bail.

The applicant has been arrested by Police Station Lahar, District Bhind, in connection with Crime No.175/2017 registered in relation to the offences

punishable under sections 366, 376B, 323, 506 of the IPC and 11/13 of the MPDVPK Act.

Allegations against the applicant, in short, are that on 13/7/2017 between 8 and 9 PM, he along with co-accused Balram Dadoriya, Monu Pachori and

two others went to the house of prosecutrix and on gun point not only took documents relating to her studies and Rs.25,000/- kept in an Almirah, but

also threw the prosecutrix in a vehicle standing outside after tying her mouth and threatened to kill her and her brother. Thereafter, they took her to

Gwalior and Bhopal and subjected her to forcible sexual intercourse till 5/10/2017 while recording its video. They also took the signatures of

prosecutrix on marriage related documents under threat of uploading such video on the Internet.

Learned counsel for the applicant submits that the applicant has been falsely implicated. In fact, the prosecutrix has solemnized marriage with co-

accused Balram on 1/7/2007. On 25/7/2017, she had even filed a report apprehending attempt on her life from her father as he was opposed to such

marriage. She had even filed W.P. No.5547/2017 seeking protection from her family. It is submitted that on 13/10/17, the prosecutrix had even lodged

a report against her husband Balram, but at that time had not disclosed about any such incident with her, which prima facie reflects that the allegations

are nothing but an after thought. Applicant is a permanent resident of Ward No.4, Lahar, District Bhind and there is no likelihood of his absconson or

tampering with the prosecution evidence. With the aforesaid submissions, prayer for grant of bail is made.

On the other hand, learned Public Prosecutor opposed the application and prayed for its rejection contending that on the basis of the allegations and

the material available on record, no case for grant of bail is made out. It is submitted that even in her statement recorded under section 164 of the

Cr.P.C., the prosecutrix has categorically reiterated the narration made in FIR. Besides, report of chemical analyst is corroborative. As such, no

indulgence is warranted at this stage.

Considering the nature of allegations and gravity of offence, in the opinion of this Court, no case for grant of bail is made out at this stage.

The application, accordingly, stands dismissed. However, the applicant shall be at liberty to revive the prayer after evidence of the prosecutrix before

the trial Court.