

(2024) 04 MP CK 0154

In the Madhya Pradesh High Court

Case No : Miscellaneous Criminal Case No. 15866 Of 2024

Manoj Yadav

APPELLANT

Vs

State Of Madhya Pradesh

RESPONDENT

Date of Decision : 22-04-2024

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 439

Indian Penal Code, 1860 — Section 294, 376, 376(2)(n), 506

Citation : (2024) 04 MP CK 0154

Hon'ble Judges : Vijay Kumar Shukla, J

Bench : Single Bench

Advocate : Sudha Shrivastava, Bhagyashree 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.0018/2024 dated (not mentioned) registered at P.S. Mahila Thana, Indore (M.P.) for commission of offence punishable under Sections 376, 376(2)(n), 294 and 506 of IPC.

2. As per prosecution story, the prosecutrix filed a written complaint on 20.1.2024 that present applicant and co-accused Sanjay forcibly establish physical relations with her and captured obscene photos and videos of her. They were blackmailing her showing the videos and applicant threatened if the prosecutrix did not continue to have relations with him, her photos and videos will be viral. On the basis of aforesaid, the presence offences have been registered against the applicant and co-accused.

3. Counsel for the applicant submits that prosecutrix is a major married woman and 39 years old. The applicant has been falsely implicated in the present case. There is no seizure of any video as alleged by the prosecutrix. Applicant is in jail since 21.1.2024. Investigation is over, chargesheet has been filed and conclusion

of trial will take sufficient long time. In these circumstances, the applicant be released on bail.

4. Counsel for the State opposes the prayer for grant of bail, however submits that as per case diary there is seizure of mobile but there is no seizure of any video.

5. After hearing learned counsel for parties and taking into consideration the age of prosecutrix i.e. 39 years and that there is no seizure of any video, further the applicant is in jail since 21.1.2024, investigation is completed and chargesheet has been filed, I am of the view that the applicant is entitled for grant of bail. Therefore, without expressing any view on the merits of the case, the application is allowed.

6. It is directed that Applicant- Manoj Yadav shall be released from custody upon furnishing a personal bond of Rs.50,000/- (Rupees Fifty Thousand Only) with one surety of the like amount to the satisfaction of the court below.

A typed copy of this order is being forwarded to the Office of the Advocate General, on their email address, for intimation to the Police Station concerned. The office is requested to forward a copy of this order to the court below.

C.c. as per rules.