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**(2023) 07 MP CK 0100**

**In the Madhya Pradesh High Court**

**Case No : Miscellaneous Criminal Case No. 31571 Of 2023**

Ramu Raghuvanshi

APPELLANT

Vs

State Of Madhya Pradesh And Others

RESPONDENT

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**Date of Decision : 21-07-2023**

**Acts Referred:**

Indian Penal Code, 1860 — Section 363, 366, 376(2-N), 376(3)  
Protection Of Children From Sexual Offences Act, 2012 — Section 5, 6  
Code Of Criminal Procedure, 1973 — Section 164, 439

**Citation : (2023) 07 MP CK 0100**

**Hon'ble Judges : Sunita Yadav, J**

**Bench : Single Bench**

**Advocate : Dinesh Singh Tomar, Dinesh Savita**

**Final Decision : Allowed**

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## **Judgement**

Sunita Yadav, J

The applicant has filed this first application u/S.439 of Cr.P.C. for grant of bail.

The applicant has been arrested by Police Station Aron, District Guna (M.P.) in connection with Crime No.268/2023 registered for the offence punishable under Sections 363, 366, 376(2-N), 376(3) of the I.P.C. and Section 5/6 of the POCSO Act.

Allegation against the present applicant is that he abducted the prosecutrix and committed rape upon her.

Learned counsel for the applicant argued that the applicant is innocent and has been falsely implicated. It is further argued that the entire prosecution story is false and fabricated because the prosecutrix in her statement recorded under Section 164 of the Cr.P.C. has not made any allegation against the present applicant. Prosecutrix in her statement specifically stated that she want to marry with present applicant and they performed their marriage in Arya Samaj Temple and they were living as husband and wife. The applicant is in custody since

07.07.2023. He is permanent resident of District Guna (M.P.) and there is no possibility of his absconson or tampering with the prosecution evidence. Hence, he prays for grant of bail to the applicant.

O n the other hand, learned State counsel opposed the application and prayed for its rejection.

Heard learned counsel for the rival parties and perused the case diary available on record.

Considering the facts and circumstances of the case, but without expressing any opinion on merits of the case, this application is allowed and it is directed that the applicant be released on bail on furnishing a personal bond in the sum of Rs. 25,000/- (Rupees Twenty Five Thousand only) with one solvent surety in the like amount to the satisfaction of the trial Court/committal Court.

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

- 1) The applicant will comply with all the terms and conditions of the bond executed by him/her;
- 2) The applicant will cooperate in the investigation/trial, as the case may be;
- 3) The applicant will not indulge himself/herself in extending inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to the Police Officer, as the case may be;
- 4) The applicant shall not commit any offence during pendency of the trial, failing which, this bail order shall stand cancelled automatically without further reference to the Bench;
- 5) The applicant will not seek unnecessary adjournments during the trial; and
- 6) The applicant will not leave India without previous permission of the trial Court/Investigating Officer, as the case may be.

Learned State counsel is directed to send an e-copy of this order to the Station House Officer of the concerned Police Station for information and necessary action.

E- copy of this order be sent to the trial Court concerned for compliance, if possible, by the office of this Court.

Certified copy as per rules.