
(2023) 08 MP CK 0109

In the Madhya Pradesh High Court

Case No : Miscellaneous Criminal Case No. 36540 Of 2023

Rinku @ Raghveer Sharma

APPELLANT

Vs

State Of Madhya Pradesh

RESPONDENT

Date of Decision : 18-08-2023

Acts Referred:

Indian Penal Code, 1860 — Section 328, 342, 344, 365, 366, 376, 506II
Code Of Criminal Procedure, 1973 — Section 439

Citation : (2023) 08 MP CK 0109

Hon'ble Judges : Sunita Yadav, J

Bench : Single Bench

Advocate : Chandra Pratap Singh, Ankita Mathur

Final Decision : Allowed

Judgement

Sunita Yadav, J

Documents No. 6786 of 2023 are taken on record.

The applicant has filed this First application u/S 439, Cr.P.C. for grant of bail. The applicant has been arrested by Police Station City Kotwali, District Morena in connection with Crime No. 581 of 2023 registered for the offence punishable under Section 376, 342, 344, 328, 365, 366 and 506-II of IPC.

Allegations against the applicant/accused, in short, are that he abducted the prosecutrix and committed rape upon her.

Learned counsel for the applicant argued that applicant is an innocent person and has been falsely implicated. He further argued that entire prosecution story is highly improbable and suspicious. Prosecutrix is a major married woman aged about 40 years. Allegedly, the incident occurred on 01/06/2023, however, missing report has been lodged after delay of seven days i.e. on 08.06.2023 and the FIR was lodged on 11/06/2023, for which, no plausible explanation has been given. At the most it is the case of consensual physical relationship. After

conclusion of investigation, charge-sheet has been filed, therefore, further custodial interrogation of the applicant may not be required. The applicant is in custody since 12/06/2023. The applicant is permanent resident of District Morena. Conclusion of trial is likely to take time and there is no likelihood of his absconson, if released on bail. On these grounds, he prays for grant of bail to the applicant.

On the other hand, learned State counsel vehemently 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 overall 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 two local solvent sureties 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 applicant:-

- 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 other 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.