

**(2020) 10 MP CK 0098**

**In the Madhya Pradesh High Court**

**Case No : Miscellaneous Criminal Case No. 38021 Of 2020**

Sarthak @ Honey Kapoor

APPELLANT

Vs

State Of Madhya Pradesh

RESPONDENT

**Date of Decision : 12-10-2020**

**Acts Referred:**

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

**Citation : (2020) 10 MP CK 0098**

**Hon'ble Judges : J. P. Gupta, J**

**Bench : Single Bench**

**Advocate : B.J. Chourasia, S.D. Mishra**

**Final Decision : Allowed**

## Judgement

J. P. Gupta, J

This is the first bail application filed by the applicant-accused under Section 439 of the Cr.P.C. for grant of bail arrested on 17.9.2020 in connection with Crime No.413/2020 registered at Police Station City Kotwali, District Chhatarpur, for the offence under Sections 376 & 506 of the IPC.

The allegation against the applicant is that he committed repeated rape with the prosecutrix.

It is submitted that the applicant is innocent. He is in custody since 17.9.2020. Charge sheet has been filed. The trial will take time. It is further submitted that prosecutrix herself has submitted no objection for granting bail to the applicant as they have got married with each other and thereafter, on account of some dispute they started living separately and the prosecutrix made complaint against the applicant. In the circumstances, further custody of the applicant is not warranted. Hence, he be released on bail.

Learned PL has opposed the bail application and prayed for its rejection. In view

of the facts and circumstances of the case, this application is allowed and it is ordered that the applicant-accused Sarthak @ Honey Kapoor be released on bail on his furnishing a personal bond for the sum of Rs.25,000/- with a solvent surety in the like amount to the satisfaction of the trial court for securing his presence before the said Court on all the dates of hearing fixed in this regard during trial and for complying with the conditions enumerated in sub-section (3) of Section 437 of Cr.P.C.

Certified copy as per rules.