IN THE HIGH COURT OF MADHYA PRADESH AT INDORE

BEFORE

HON'BLE SHRI JUSTICE PREM NARAYAN SINGH

ON THE 2nd OF FEBRUARY, 2024

MISC. CRIMINAL CASE No. 3371 of 2024

BETWEEN:-

RAMESH S/O SHRI GULAB SINGH MAIDA,
AGED ABOUT 29 YEARS,
OCCUPATION: GOVT. SERVICE
R/O VILLAGE GOTH MOHANKOT
TEHSIL PETLAWAD P.S. RAIPURIA
DISTT. JHABUA
AT PRESENT 218 BATTALION
CENTRAL RESERVE POLICE FORCES SILAM
DISTT. GUMLA SECTOR RANCHI JHARKHAND (JHARKHAND)

.....APPLICANT

(SHRI ASHAY JAIN - ADVOCATE)

AND

THE STATE OF MADHYA PRADESH
STATION HOUSE OFFICER THROUGH
POLICE STATION KALYANPURA
DISTT. JHABUA (MADHYA PRADESH)

.....RESPONDENTS

(SHRI GAURAV RAWAT - DY. GOVT. ADVOCATE)
SHRI APOORV JOSHI, LEARNED COUNSEL FOR THE RESPONDENT [OBJ].)

This application coming on for admission this day, the court passed the following:

ORDER

Heard and perused the record.

This is **first** bail application filed by the applicant under Section 438 of the Cr.P.C. for grant of anticipatory bail, who is apprehending his arrest in Crime No.004/2023, registered at Police Station-Kalyanpura, District-Jhabua

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Signing time: 03-02-2024 16:17:29

(M.P.) for the offence under Sections 376, 376(2)(n), 506 of IPC, 1860.

2. As per prosecution story, it is alleged that applicant has committed rape upon the prosecutrix.

3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in this case. The allegation against the applicant is that he has made physical relation on the pretext of marriage, since January 2023 and in February 2023 they got engaged. In December 2023 prosecutrix threatened the applicant that she would commit suicide if he doesn't marry her, hence he has filed written complaint at Superintendent of Police, District Jhabua. On 09.12.2023 when investigation was carried out, the prosecutrix has lodged FIR in counter blast. The applicant is ready to co-operate with the investigation. The final conclusion of the trial is likely to take sufficient long time. Therefore, it has been prayed that the applicant may be released on anticipatory bail.

4. On the other hand, learned Govt. Advocate opposed the prayer and prayed for its rejection, however, fairly admitted that there were talks of marriage between the prosecutrix and the applicant.

5. Learned counsel for the complainant submitted that the name of applicant has been clearly mentioned in FIR hence anticipatory bail should not be granted.

6. Having taken into consideration all the facts and circumstances of the case, I am of the view that it is a case in which applicant may be released on anticipatory bail. Consequently, this first application for anticipatory bail filed on behalf of applicant is hereby **allowed.**

7. It is directed that in the event of arrest applicant be released on bail on his furnishing a personal bond in the sum of **Rs.50,000/- (Rupees Fifty**

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Thousand Only) with one surety in the like amount to the satisfaction of the Arresting Authority. At stage of filing of charge-sheet by police, applicant shall furnish fresh bail bond of same amount before committal Court/trial Court to its satisfaction. The applicant shall comply with the following conditions:-

(i) that he shall make himself available for interrogation by a police officer as and when required.

(ii) that he shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or to any police officer.

(iii) the applicant shall further abide by the other conditions enumerated in sub-Section (2) of Section 438 of Cr.P.C.

8. In case if the applicant is not arrested by investigating officer, applicant himself shall surrender before Investigating Officer within 15 days from today and will join investigation. However, it is being made clear that in case of bail jump and in violation of any of conditions, this order shall become ineffective.

Certified copy, as per rules.

(PREM NARAYAN SINGH)
JUDGE

sumathi

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