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. 56856 of 2023

BETWEEN:-

DHEER SINGH S/O BALWANT SINGH, AGED ABOUT 56 YEARS, OCCUPATION: JOB R/O SHEKHPUR JALON AT PRESENT 374/12 SECTOR A NANDBAG COLONY INDORE (MADHYA PRADESH)

.....APPLICANT

(SHRI VIVEK SINGH, LEARNED COUNSEL FOR THE PETITIONER .

AND

1. **THE STATE OF MADHYA PRADESH STATION HOUSE OFFICER THROUGH POLICE STATION BANGANGA, DISTRICT INDORE (MADHYA PRADESH)**

2. **VICTIM X THROUGH P.S. BANGANGA, INDORE DIST. INDORE (MADHYA PRADESH)**

.....RESPONDENTS

(SHRI AJAY RAJ GUPTA APPEARING ON BEHALF OF ADVOCATE GENERAL.

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

ORDER

This is first application filed on behalf of the applicant for grant of regular bail under Section 439 of the Code of Criminal Procedure, 1973 relating to FIR No.1738/2023 dated (not mentioned), registered at Police Station-Banganga, District-Indore M.P.) for the offence punishable under Sections 376, 376(2)(n), 294 and 506 of the Indian Penal Code, 1860. The applicant is in custody since 12.11.2023.

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2. As per prosecution story, the allegation against the applicant is that he has committed rape upon the prosecutrix.

3 . Learned counsel for the applicants submits that the applicant is innocent and has falsely been implicated in this case. It is further submitted that the present case if filed against the applicant only as a counter blast against the applicant because the applicant has executed a declaration of eviction against his son and prosecutrix. In this case, the prosecutrix is daughter-in-law of the applicant. That apart, the husband of the prosecutrix has filed a missing report on 18.06.2023 and thereafter, he had also given a legal notice to his wife on 12.07.2023 in which he has leveled allegations against the prosecutirx for bad behavior towards his parents, therefore, the present case has been filed against the applicant. The FIR is delayed by one month and no explanation has been given. Charge sheet has been filed. The applicant is in custody since 12.11.2023. Final conclusion o f the trial is likely to take sufficient long time, therefore, it is prayed that the application be allowed and the applicants be released on bail.

4. Counsel for the respondent/State, on the other hand, has opposed the prayer and prays for its rejection.

5. Having taken into consideration all the facts and circumstances of the case, custody period of the applicant, I am inclined to release the applicant on bail. Consequently, without commenting anything on the merits of the case, bail application under Section 439 of the Code of Criminal Procedure filed on behalf of applicant, stands **allowed.**

6. It is directed that applicant be released on bail on his furnishing a personal bond in the sum of **Rs.50,000/- (Rupees Fifty thousand only)** with

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one solvent surety in the like amount to the satisfaction of the trial Court, for his regular appearance before the trial Court during trial with a condition that he shall remain present before the concerned Court on all the dates fixed by it during trial. He shall abide by all the conditions enumerated under Section 437(3) of Cr.P.C.

7. This order shall be effective till the end of the trial. However, in case of bail jump and breach of any of the conditions of bail, it shall become ineffective.

Certified copy as per rules.

(PREM NARAYAN SINGH)
JUDGE

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