IN THE HIGH COURT OF MADHYA PRADESH AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE DINESH KUMAR PALIWAL

ON THE 2nd OF FEBRUARY, 2024

MISC. CRIMINAL CASE No. 1912 of 2024

BETWEEN:-

SHUBHAM BOPCHE S/O SHRI RAM PRASAD BOPCHE, AGED ABOUT 25 YEARS, OCCUPATION: LABOUR R/O VILLAGE GHURWADA POLICE STATION AND TEHSIL BARGHAT DISTRICT SEONI (MADHYA PRADESH)

.....APPLICANT

(BY SHRI SUNIL KUMAR MISHRA - ADVOCATE)

AND

THE STATE OF MADHYA PRADESH THROUGH POLICE STATION BARGHAT, DISTRICT SEONI (MADHYA PRADESH)

.....RESPONDENT

(STATE BY SHRI N.S. SOLANKI - PANEL LAWYER)
(VICTIM BY SHRI SHIVENDRA SHUKLA - ADVOCATE)

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

ORDER

This first bail application under Section 439 of the Code of Criminal Procedure has been filed by the applicant for grant of regular bail in relation to FIR No. 669/2023 dated 18.12.2023, registered at Police Station Barghat, District Seoni (M.P.) for commission of offence under Sections 354, 354(घ), 34 and 376 of IPC and Sections 3 and 4 of POCSO Act. Applicant is in detention since 22.12.2023.

2. As per the prosecution story, on 18.12.2023, prosecutrix submitted an application in writing before the police alleging that Shubham was in a habit of

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stalking with her. He used to say that he wanted to marry with her. It is further alleged that her sister's marriage was fixed with one Bhupendra and was to be solemnized on 12.03.2024 but on 15.12.2023, Shubham threatened that if she will not enter into wedlock with him, he will get her sister's marriage break. It is alleged that he made a call to would be groom and gave wrong information resulting in break of marriage. In statement under Section 164, prosecutrix improved her version and stated that 8 months ago, Shubham had established physical relations with her. FIR was registered.

3. Learned counsel for the applicant has submitted that applicant has not committed any offence. He is innocent. He has been falsely implicated. Earlier, FIR was registered for commission of offence under Section 354 of IPC but just to give it a serious color, the factum of rape/aggravated penetrated sexual assault has been added which itself belie the truthfulness of the case. Therefore, it is prayed that applicant may be released on bail pending the trial.

4. On the other hand, learned counsel for the objector as well as learned counsel for the respondent/State have opposed grant of bail.

5. Having taken into consideration the submissions put forth by learned counsel for the parties and written complaint and other material on record, but without expressing anything on the merit of the case, I am of the view that it is fit case for grant of bail. Consequently, this bail application under Section 439 of the Code of Criminal Procedure for grant of bail filed on behalf of applicant, stands **allowed.**

6. It is directed that **applicant - Shubham Bopche** be released on bail on his furnishing a personal bond in the sum of **Rs.50,000/- (Rupees Fifty Thousand only)** with one solvent surety in the like amount to the satisfaction of

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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 o f bail jump and breach of any of the conditions of bail, it shall become ineffective.

Certified copy as per rules.

(DINESH KUMAR PALIWAL)
JUDGE

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