IN THE HIGH COURT OF MADHYA PRADESH AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE PRAMOD KUMAR AGRAWAL

ON THE 2nd OF FEBRUARY, 2024

MISC. CRIMINAL CASE No. 3606 of 2024

BETWEEN:-

RAHUL AHIRWAR S/O SHRI HARINARAYAN AHIRWAR, AGED ABOUT 26 YEARS, OCCUPATION: PRIVATE JOB R/O JUNIOR M.I.G.-301, PHASE III, SHRIKRISHNPURAM, HOSHANGABAD ROAD, DISTRICT BHOPAL (MADHYA PRADESH)

.....APPLICANT

(BY SHRI ARPIT SAXENA WITH SHRI NAMAN GUPTA - ADVOCATES)

AND

THE STATE OF MADHYA PRADESH THROUGH POLICE STATION SHAHPURA DISTRICT BHOPAL (MADHYA PRADESH)

.....RESPONDENTS

(BY SHRI SANTOSH YADAV - DEPUTY GOVERNMENT ADVOCATE)

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

ORDER

This is the first application filed on behalf of applicant under Section 438 of Cr.P.C. for grant of anticipatory bail relating to Crime No. 08/2024 registered by Police Station - Shahpura, District Bhopal (M.P.) for commission of offence under Section 376 of IPC. Applicant apprehending his arrest in the aforesaid offence has knocked the portal of this Court for grant of anticipatory bail.

2. A s per the prosecution story, it is alleged that prosecutrix had friendship with the applicant on Instagram therefore, she went to meet him but on the pretext of performing marriage applicant has taken her to Oyo Hotel

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Tilanga, Bhopal and committed sexual intercourse and made his obscene video also in his mobile. Thereafter, applicant has refused to marry her and started blackmailing. On her complaint, Police registered the aforesaid offence against the present applicant.

3 . Learned counsel for the applicant has submitted that applicant is innocent and has been falsely implicated in the crime in question. The prosecutrix is a major lady. It is submitted that FIR is delayed by 41 days which shows that complainant made the report after proper thinking and planning. Prosecutrix has submitted written application in the police station and on that basis this FIR has been lodged. Applicant and complainant are distance relative. When the applicant denied from performing the marriage then a false case for the purpose of blackmailing is registered. It is submitted that present applicant was under presumption that a false case may be registered against him therefore, on 15/12/2023 he has submitted an application in this regard to police headquarter, Bhopal and FIR has been lodged after 25 days of the presentation of application by the application in police headquarter, Bhopal. It is also submitted that complainant/prosecutrix's brother sent a text message to the applicant and threatened him to take a decision of marriage otherwise, FIR will be lodged against him. The applicant has no criminal history. Therefore, it has been prayed that applicant/accused be released on anticipatory bail.

4. On the other hand, learned counsel for the State has opposed grant of anticipatory bail.

5. Having taken into consideration all the facts and circumstances of the case, but without commenting on merit of the case, I am of the view that it is a case in which applicant may be released on anticipatory bail. Consequently,

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first anticipatory bail application under Section 438 of the Code of Criminal Procedure for grant of bail filed on behalf of applicant stands **allowed.**

6. It is directed that in the event of arrest of applicant by the police in the aforesaid crime, applicant be released on bail on furnishing personal bond in the sum of ***Rs.50,000/- (Rupees Fifty Thousand only)*** with one surety and security in the like amount to the satisfaction of the Arresting officer (Investigating Officer) for his regular appearance before the Police during the investigation or before the Court during trial.

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.

2. The applicant will cooperate in the investigation/trial, as the case may be;

3. The applicant will not indulge himself in extending inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to the Police Officer, as the case may be;

4. The applicant shall not commit offence similar to the offence of which he is accused;

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.

Certified copy as per rules.

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(PRAMOD KUMAR AGRAWAL)
JUDGE

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