

Bhoora vs The State Of Madhya Pradesh on 6 January, 2025

NEUTRAL CITATION NO. 2025:MPHC-IND:204

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IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE
BEFORE
HON'BLE SHRI JUSTICE BINOD KUMAR DWIVEDI
ON THE 6 th OF JANUARY, 2025
MISC. CRIMINAL CASE No. 54738 of 2024
BH00RA
Versus
THE STATE OF MADHYA PRADESH

Appearance:
Applicant by Shri Kamlesh Bangar - Advocate.
Respondent - State of Madhya Pradesh by Shri Kamal Ku
Government Advocate appearing on behalf of Advocate General.

ORDER

This first bail application under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) = Section 439 of Code of Criminal Procedure, 1973 (Code) has been filed for grant of regular bail by applicant Bhura S/o Lakhan Pal, who has been arrested on 21.10.2024 in connection with Crime/FIR No.648 of 2024 registered at Police Station Dwarkapuri, Indore District Indore (MP) for commission of offence punishable under Sections 137 (2) and 87 of Bhartiya Nyaya Sanhita, 2023.

2. As per the prosecution case, the allegation against the applicant is that he has kidnapped / seduced the minor victim aged about fifteen years.

3. Learned counsel for the applicant submits that the applicant is innocent and has falsely been implicated in the crime. It is submitted that even in statement under Section 183 BNSS = Section 164 of Code, the NEUTRAL CITATION NO. 2025:MPHC-IND:204 2 MCRC-54738-2024 victim has not made any allegation against the applicant of sexual assault. The applicant has no criminal antecedents and he is in jail since 21.10.2024. Investigation is complete and charge sheet has already been filed. The trial will take time. Therefore, on these miscellaneous grounds, learned counsel prays for grant of bail to the applicant by allowing the application.

4. Per contra, learned counsel for the respondent / State has vehemently opposed the prayer on the ground that the minor victim has been kidnapped after seducing her for illicit sexual intercourse and, therefore, prays for dismissal of the bail application.

5. Heard learned counsel for the parties with the aid of case diary.

6. In the aforesaid factual backdrop, considering the arguments advanced on behalf of the parties and overall circumstances of the case, this Court is inclined to grant benefit of bail to the applicant. Accordingly, without commenting on the merits of the case, bail application is allowed.

7. It is directed that the applicant be released on bail upon his furnishing personal bond in the sum of Rs.50,000/- (Rupees Fifty Thousand Only) with separate solvent surety in the like amount to the satisfaction of the trial Court, for his regular appearance before the concerned Court for speedy disposal of the case, on all the dates fixed by the said Court, without any default, during trial. The applicant will abide by Section 183 (3) of BNSS = 437 (3) of Code.

8. This order shall be effective till the end of the trial, however, in case of bail jump and / or breach of any of the conditions of bail, it shall become ineffective.

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9. Accordingly, this M.Cr.C. stands allowed and disposed off. Certified copy, as per rules.

(BINOD KUMAR DWIVEDI) JUDGE rcp