

# Raja Rafique Miya vs The State Of Madhya Pradesh on 24 February, 2025

NEUTRAL CITATION NO. 2025:MPHC-JBP:8578

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IN THE HIGH COURT OF MADHYA PRADESH  
AT JABALPUR  
BEFORE  
HON'BLE SHRI JUSTICE DEVNARAYAN MISHRA  
ON THE 24th OF FEBRUARY, 2025  
MISC. CRIMINAL CASE No. 52071 of 2024  
RAJA RAFIQUE MIYA  
Versus  
THE STATE OF MADHYA PRADESH AND OTHERS  
Appearance:  
Shri Manish Datt senior Advocate assisted by Shri Mayank Sh  
and Shri Abdul Waheed Khan - Advocate for the applicant.  
Ms. Samta Jain - Government Advocate for the respondent/Sta  
Shri Lal Ji Kushwaha - Advocate for the objector.

## ORDER

This is the first application filed by the applicant under Section 483 of Bhartiya Nagrik Suraksha Sanhita , 2023/Section 439 of Cr.P.C., 1973 for grant of regular bail relating to FIR/Crime No.875/2024 registered at Police Station - Nishatpura, District- Bhopal (M.P.) for the offence punishable under Sections 75, 127(2), 115(2)A, 351(2) and 64(2)(f) of Bhartiya Nyaya Sanhita, 2023 and under Sections 9(n), 10, 3 and 4 of the Protection of Children from Sexual Offences Act, 2012.

2. Learned counsel for applicant has submitted that the applicant has been falsely implicated in the case. In FIR, 875/2024 which was lodged on 30.09.2024, it is alleged that the complainant, mother of the victim was already married with one person and from first wedlock, she had one son and one daughter. The daughter was elder, aged about 12 years. The applicant NEUTRAL CITATION NO. 2025:MPHC-JBP:8578 2 MCRC-52071-2024 was also previously married and was having four children from the first wife. On 19.07.2024, the Nikaah (marriage) was performed between the applicant and the complainant and as per the complainant's statement, after 16 days' of Nikaah, she was thrown out from her home. On 21.09.2024, the victim was changing her clothes and the complainant went to terrace of the house to put the clothes in sunlight and the applicant after getting the chance had done obscene act with the victim and when complainant returned, she saw the incident and when she objected, the applicant assaulted her. The victim narrated her mother that from the very beginning, the applicant was making sexual act with her.

3. Learned counsel for the applicant has further submitted that the second FIR was lodged on the same day to Police Commissioner, Bhopal on 30.09.2024, where she had stated that due to dowry,

she was being harassed by the applicant but she had never mentioned the act of the applicant that he had done obscene act or sexual exploitation of her daughter/victim. Counsel for the applicant has submitted that firstly, she lodged written FIR before the Police Commissioner, Bhopal and when she failed, she had lodged this FIR on the false allegations. Thus, it is clear that the applicant has been falsely implicated in the case. Hence, the applicant is entitled to be released on bail.

4. Learned counsel for the objector has submitted that after Nikaah (marriage), the applicant was exploiting the girl and complainant left her matrimonial home, the applicant came into the parental house of the victim, there he was exploiting the girl and making sexual activities, hence, the FIR was lodged and in this FIR, Crime No.875/2024, she has clearly mentioned NEUTRAL CITATION NO. 2025:MPHC-JBP:8578 3 MCRC-52071-2024 that she was assaulted.

5. Learned counsel for the applicant in counter has submitted that the victim on 30.09.2024, when brought for the medical examination in the first portion that is written by the police, it is stated that her husband had assaulted her but to the Doctor, she had stated that some unknown person had assaulted her on 21.09.2024 and no injury was found on the person of the complainant. On examination dated 02.10.2024. She has not given consent for the examination of her daughter, hence, the victim was not medically examined by the medical officer and no injury was found on the body of the victim, thus, it also shows that the story is false.

6. Learned counsel for State has opposed the bail application and submitted that this case is not fit and cannot be given the benefit of bail.

7. Heard the parties and perused the case diary.

8. From the record it is clear that the marriage between the applicant and the complainant was performed on 19.07.2024, the applicant was having four children and the victim was having two children and as per the FIR, it is clear that some serious dispute had taken place, hence, just after 16 days' of marriage, complainant left her matrimonial home. In the FIR registered as Crime No.875/2024 lodged on 30.09.2024 stating the incident of 21.09.2024, no explanation for delay has been submitted. Secondly, on the same day, another complaint was made to the Police Commissioner, Bhopal in which nowhere it is mentioned that the applicant exploited her daughter or made any sexual activities with the victim, her daughter.

9. Looking to the facts and circumstances of the case and the fact that NEUTRAL CITATION NO. 2025:MPHC-JBP:8578 4 MCRC-52071-2024 the trial will take time to be concluded, charge-sheet has been submitted, this Court deems it appropriate to enlarge the applicant on bail, therefore, without commenting on the merit of the case, the application is allowed.

10. It is directed that applicant-Raja Rafique Miya shall be released on bail on his furnishing personal bond in a sum of Rs.50,000/- (Rupees Fifty Thousand Only) with one surety in the like amount to the satisfaction of the trial Court concerned for his appearance before the said Court on all such dates as may be fixed by that Court in this regard during the pendency of trial.

11. It is further directed that the applicant shall comply with the provisions of Section 480(3) of BNSS.

12. Accordingly, Misc. Criminal Case stands disposed of. C.C. as per rules.

(DEVNARAYAN MISHRA) JUDGE AT