

Ashish Sharma vs The State Of Madhya Pradesh on 21 February, 2025

NEUTRAL CITATION NO. 2025:MPHC-IND:4743

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IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE
BEFORE
HON'BLE SHRI JUSTICE BINOD KUMAR DWIVEDI
ON THE 21st OF FEBRUARY, 2025
MISC. CRIMINAL CASE No. 7260 of 2025
ASHISH SHARMA S/O SURESHCHAND SHARMA
Versus
THE STATE OF MADHYA PRADESH AND ANOTHER

Appearance:

Applicant by Shri Deepak Kumar Rawal - Advocate.
Respondent No.1 - State of Madhya Pradesh by Shri Vir
- Government Advocate appearing on behalf of Advocate General
Respondent No.2 - victim by Shri Lokesh Shivhare - Ad

ORDER

This repeat (second) 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 Ashish S/o Sureshchand Sharma, who has been arrested on 29.10.2024 in relation to Crime/FIR No.328 of 2024 registered at Police Station Baag, District Dhar (MP) for commission of offence under Sections 137 (2), 96, 64 (1), 64 (2) (m), 127 (3) and 3 (5) Bhartiya Nyaya Sanhita, 2023 and also under Sections 3/4 and 5M/6 of POCSSO Act, 2012. His first application Miscellaneous Criminal Case No.551 of 2025 has been dismissed by this Court vide order dated 22.01.2025 as withdrawn with a liberty to review the prayer after recording of the statement of the prosecutrix before the trial NEUTRAL CITATION NO. 2025:MPHC-IND:4743 2 MCRC-7260-2025 Court.

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

3. Learned counsel for the applicant submits that the applicant is innocent and has falsely been implicated in the crime. It is also submitted that after investigation, charge sheet has been filed. There is no allegation on the applicant that he has sexually exploited the victim. Mere allegation on the applicant is that he helped main accused Atharv in boarding and lodging. The applicant is in jail since 29.10.2024. 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. Learned counsel for the complainant - objector has opposed the prayer on the ground that the applicant is the person who has actively helped main accused Atharv to facilitate him in sexually exploiting the victim, and therefore, he cannot be granted bail.
5. Per contra, learned counsel for the respondent / State has vehemently opposed the prayer on the similar ground; and prays for dismissal of the bail application.
6. Heard learned counsel for the parties with the aid of case diary.
7. In the aforesaid factual backdrop, considering the arguments advanced on behalf of the parties and overall circumstances of the case, when the charge sheet has already been filed coupled with the fact that allegation of sexual exploitation is not on the applicant, this Court is inclined NEUTRAL CITATION NO. 2025:MPHC-IND:4743 3 MCRC-7260-2025 to grant benefit of bail to the applicant. Accordingly, without commenting on the merits of the case, bail application is allowed.
8. 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 not meet the complainant and tamper with the evidence in any way. The applicant will abide by Section 380 (3) of BNSS = 437 (3) of Code.
9. 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.
10. Accordingly, this M.Cr.C. stands allowed and disposed off. Pending interlocutory application, if any, stands disposed off. Certified copy, as per rules.

(BINOD KUMAR DWIVEDI) JUDGE rcp