

Ajay Kaurav vs The State Of Madhya Pradesh on 22 January, 2025

Author: Maninder S. Bhatti

Bench: Maninder S. Bhatti

NEUTRAL CITATION NO. 2025:MPHC-JBP:3181

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IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR
BEFORE
HON'BLE SHRI JUSTICE MANINDER S. BHATTI
ON THE 22nd OF JANUARY, 2025
MISC. CRIMINAL CASE No. 54444 of 2024
AJAY KAURAV
Versus
THE STATE OF MADHYA PRADESH AND OTHERS
Appearance:
Shri R.S. Patel - Advocate for the applicant.
Ms. Shanti Tiwari - Panel Lawyer for the State.
Shri Tausif Ahmad Ansari - Advocate for the objector.

ORDER

This is first application filed by the applicant under Section 483 of the Bhartiya Nagrik Suraksha Sanhita, 2023 for grant of regular bail relating to FIR/Crime No.38/2024 dated 27.11.2024 registered at Police Station Mahila Thana, District Narsinghpur for the offences punishable under Sections 376, 376(2)(n) of the Indian Penal Code.

2. The counsel for the applicant contends that the applicant is innocent and has been falsely implicated in the case. As per the case of the prosecution, it is undisputed that the prosecutrix came in touch with the applicant in September, 2018, thereafter, they started liking each other and were in love-affair. Later on, there was physical relations as well between them. The prosecutrix on her own volition came to the Jaggery Plant of the applicant at Kareli. As per the allegations levelled by the prosecutrix, the applicant had given false assurance of marriage and later on while taking NEUTRAL CITATION NO. 2025:MPHC-JBP:3181 2 MCRC-54444-2024 recourse to somersault, he declined to enter into the wedlock with the prosecutrix. Hence the offence in question has been registered against the applicant. It is submitted that the prosecutrix is a major lady aged about 31 years. Charge-sheet has been filed. It is submitted that the applicant is in custody since 27.11.2024 and trial will take considerable time to conclude, therefore, the applicant be released on bail.

3. The counsel for the State as well as the objector have opposed the application and submitted that the applicant is a habitual offender and his criminal record reflects that he was continuously indulged in committing the crimes and even proceedings for externment of the applicant under the provision of M.P. Rajya Suraksha Adhiniyam were also initiated against the applicant in the year 2023, which are pending. In the present case, the applicant under the garb of false promise of marriage continued to commit the offence of rape upon the prosecutrix. Therefore, no case for grant of bail to the applicant is made out.
4. Heard the submissions and perused the case diary.
5. Considering the totality of the facts and circumstances of the case, the fact that the applicant and the prosecutrix were in relationship for a prolong period of 6-7 years and the prosecutrix is a major lady aged about 31 years, this Court deems it to be a fit case to release the applicant on bail. Therefore, without expressing any view on the merits of the case, the application is allowed.
6. It is directed that the applicant shall be released on bail on furnishing a personal bond in a sum of Rs.50,000/- (Rupees Fifty Thousand NEUTRAL CITATION NO. 2025:MPHC-JBP:3181 3 MCRC-54444-2024 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 in this regard during the pendency of trial.
7. It is further directed that the applicant shall comply with the provisions of Section 480(3) of the Bhartiya Nagrik Suraksha Sanhita, 2023.

(MANINDER S. BHATTI) JUDGE PB