

Shivnarayn Singh vs The State Of Madhya Pradesh on 18 February, 2025

Author: Sanjay Dwivedi

Bench: Sanjay Dwivedi

NEUTRAL CITATION NO. 2025:MPHC-JBP:7824

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IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR
BEFORE
HON'BLE SHRI JUSTICE SANJAY DWIVEDI
ON THE 18th OF FEBRUARY, 2025
MISC. CRIMINAL CASE No. 7004 of 2025
SHIVNARAYN SINGH
Versus
THE STATE OF MADHYA PRADESH AND OTHERS
Appearance:
Shri Pushpendra Kumar Verma - Advocate for the applicant
Shri Ajay Tamrakar - Government Advocate for the respondent

ORDER

This first application under Section 483 of Bhartiya Nagarik Suraksha Sanhita, 2023, has been filed on behalf of the applicant for grant of bail relating to FIR/Crime No.553/2024 registered at Police Station Jamodi, District Sidhi, for the offence under Sections 137(2) of Bhartiya Nyaya Sanhita, 2023, Sections 366-A and 376 of the Indian Penal Code and also under Sections 5(j)/(ii) and 6 of POCSO Act. The applicant is in jail since 14.09.2024.

2. Learned counsel for the applicant submits that the present applicant and prosecutrix both were known to each other and now the prosecutrix is residing in the house of the present applicant with his parents. He further submits that now the present applicant and prosecutrix have entered into marriage and she had also delivered a child due to the said wedlock. Affidavit of the prosecutrix is also available on record wherein she has stated that she does not want to prosecute the matter and submitted that if bail is NEUTRAL CITATION NO. 2025:MPHC-JBP:7824 2 MCRC-7004-2025 granted to the present applicant then she would have no objection. On these grounds, counsel for the applicant prays that the applicant may be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and submits that at the time of the incident, the prosecutrix was minor, therefore, bail cannot be granted to the present applicant.

4. Considering the submissions of learned counsel for the parties and on perusal of record, especially the fact that prosecutrix had already entered into marriage with the applicant after attaining the majority and residing in her in-laws house, delivered a child and also filed an affidavit saying that she does not want to prosecute the matter, I am inclined to consider and allow this bail application. Therefore, without commenting anything on the merits of the case, this bail application is allowed.

5. It is directed that the applicant be released on bail upon his furnishing a personal bond in the sum of Rs.50,000/- (Rupees Fifty Thousand) with one solvent surety of the like amount to the satisfaction of the trial Court concerned for his appearance on the dates given by it.

6. On being released on bail, the applicant shall abide by the conditions enumerated in Section 480(3) of the BNSS.

(SANJAY DWIVEDI) JUDGE Rao