

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

NEUTRAL CITATION NO. 2025:MPHC-IND:202

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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. 53480 of 2024
VIPUL
Versus
THE STATE OF MADHYA PRADESH AND ANOTHER
Appearance:
Applicant by Shri Yogesh Kumar Gupta - Advocate.
Respondent - State of Madhya Pradesh by Shri Surendra
- 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 by applicant Vipul S/o Magan Parmar for grant of regular bail in relation to Crime/FIR No.801 of 2024 registered at Police Station Jhabua, District Jhabua (MP) for commission of offence under Sections 87, 64 (2) M and 351 (2) Bhartiya Nyaya Sanhita, 2023 and also under Section 5 (L) read with Section 6 of the Protection of Children from Sexual Offences Act, 2012. The applicant is in jail since 22.09.2024.

2. As per the prosecution case, the allegation against the applicant is that he seduced the minor victim, took her away and committed rape upon her.

3. Learned counsel for the applicant submits that the applicant is NEUTRAL CITATION NO. 2025:MPHC-IND:202 2 MCRC-53480-2024 innocent and has falsely been implicated in the crime. It is submitted that in statement under Section 183 BNSS = Section 164 of Code, the victim has not said anything against the applicant - accused with regard to commission of rape. She has willingly followed the accused. The applicant has no criminal antecedents and he is in jail since 22.09.2024. 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 victim was minor aged about fifteen years and four months on the date of incident. In Court, statement of the prosecutrix is yet to be recorded. Hence, on these grounds learned counsel 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 not meet the complainant and NEUTRAL CITATION NO. 2025:MPHC-IND:202 3 MCRC-53480-2024 tamper with the evidence in any way. 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.

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

(BINOD KUMAR DWIVEDI) JUDGE rcp