

# Anil vs The State Of Madhya Pradesh on 15 January, 2025

NEUTRAL CITATION NO. 2025:MPHC-GWL:696

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IN THE HIGH COURT OF MADHYA PRADESH  
AT GWALIOR  
BEFORE  
HON'BLE SHRI JUSTICE VIVEK JAIN  
ON THE 15th OF JANUARY, 2025  
MISC. CRIMINAL CASE No. 54353 of 2024  
ANIL  
Versus  
THE STATE OF MADHYA PRADESH  
Appearance:  
Shri Nitin Sharma - Advocate for the applicant.  
Shri Sammer Ghuriya - Public Prosecutor for the response

## ORDER

The present application has been filed under Section 482 of Bhartiya Nagrik Suraksha Sanhita Adhiniyam, 2023 for grant of anticipatory bail to the applicant arising out of Crime No.306/2023 registered at Police Station Jaura, District, Morena (M.P.) for offences punishable under Sections 363, 366 of IPC.

2. It is argued by learned counsel for the applicant by relying on the prosecution version that the prosecutrix was a minor girl and as per FIR the incident took place in the manner that the co-accused Dheeraj who is a juvenile and the prosecutrix met in the village where the aunt of prosecutrix resided and the prosecutrix had gone to attend a marriage there. At that place, the co-accused Dheeraj promised to marry the prosecutrix and took away the prosecutrix to a Jungle but in the Jungle there was no arrangement of any food and other supplies and therefore, both of them were in great difficulty within two days and then the co-accused Dheeraj when he was bringing the prosecutrix back to her village by motorcycle at that time the motor cycle got disbalanced as a result of which both of them got injured and were brought to Jaura hospital for treatment and in that manner the prosecutrix was recovered.

3. It is argued that the FIR as well as the statements under Section 161 Cr.P.C. by the prosecutrix do not contain a single word of allegation against the present applicant and he has been roped in at later a stage and statements under Section 164 of Cr.P.C. wherein the prosecutrix improved the version and alleged that the present applicant was the person who had come on motorcycle and he also accompanied the co-accused Dheeraj while the prosecutrix was taken to Jungle. However, it was co-accused Dheeraj who accompanied the prosecutrix in Jungle for 2-3 days and apart from

accompanying the co-accused Dheeraj along with prosecutrix to Jungle and having come on motorcycle, there is no other allegation against the present applicant even in statements under Section 164 Cr.P.C. which is an improved version. It is contended the present applicant is an educated person having received education up to B.Sc. and B.Ed. and searching for employment and only for that reason he has been roped in in the present matter being a relative of main accused Dheeraj.

4. The application is opposed by learned counsel for the State by relying on the allegations contained in the present application as per statement under Section 164 Cr.P.C. However, it is fairly contended that neither there are any criminal antecedents against the present applicant nor NEUTRAL CITATION NO. 2025:MPHC-GWL:696 3 MCRC-54353-2024 any allegations of sexual assault are involved in the present matter against any of the accused persons.

5. Considering the submissions of learned counsel for the parties and on perusal of case diary and without commenting anything on the merits of the case, the application is allowed and it is directed that in the event of arrest, the applicant be released on bail upon his furnishing a bail bond in the sum of Rs.50,000/- (Rupees Fifty Thousand) with one solvent surety of the like amount to the satisfaction of the Station House Officer/Arresting Officer of the Police Station concerned.

6. The applicant shall abide by the conditions enumerated under Section 482(2) of the Bhartiya Nagrik Suraksha Sanhita, 2023.

(VIVEK JAIN) JUDGE nks