

Anuj Kurmi vs The State Of Madhya Pradesh on 11 March, 2025

Author: Dinesh Kumar Paliwal

Bench: Dinesh Kumar Paliwal

NEUTRAL CITATION NO. 2025:MPHC-JBP:12198

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IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR
BEFORE
HON'BLE SHRI JUSTICE DINESH KUMAR PALIWAL
ON THE 11th OF MARCH, 2025
MISC. CRIMINAL CASE No. 10643 of 2025
ANUJ KURMI
Versus
THE STATE OF MADHYA PRADESH

Appearance:

Shri Pramod Singh Tomar - Advocate for the applicant.

Shri Devendra Kumar Shukla - Panel Lawyer for the respondent.

None for the victim despite service of notice.

ORDER

This is the first application filed by the applicant under Section 482 of BNSS, 2023 (Section 438 CrPC, 1973) for grant of anticipatory bail relating to FIR No.49/2025, dated 19.02.2025, registered at Police Station - Sanaudha, District - Sagar (MP) for commission of offence under Sections 64 and 351(2) of Bhartiya Nyaya Sanhita, 2023. Applicant apprehending his arrest in the aforesaid offence has knocked at the portal of this Court for grant of anticipatory bail.

2. As per the prosecution case, on 19.02.2025, 19 years old prosecutrix submitted an application before police alleging that on 26.01.2025 at around 12:00 o'clock of the day, she had gone to Bhartu Patel's house to take the blouse of her mother. When she was coming back, Anuj Kurmi (present applicant) of the village met and forcibly took her in a dilapidated house and committed rape with her and also threatened her to do NEUTRAL CITATION NO. 2025:MPHC-JBP:12198 2 MCRC-10643-2025 death. Being scared of the threat, she did not disclose the incident to anyone. Now, she is making complaint. FIR was registered.

3. Learned counsel for the applicant has submitted that applicant is innocent. He has not committed any offence. He has been falsely implicated. No such offence has been committed. It is submitted that on 17.02.2025, Mahendra @ Chhotu and Prahlad of village Saikheda had assaulted him when he refused to bow down before their demand of giving money for consuming liquor and on account

of that enmity, Mahendra @ Chhotu has lodged a false FIR through his sister. Applicant is 20 years old young boy with no criminal background. It is further submitted that incident is alleged to have been taken place on 26.01.2025 while FIR for the same has been lodged on 19.02.2025 i.e. almost after a delay of more than 23 days which itself falsify the truthfulness of the story. Learned counsel for the applicant has drawn attention of this Court towards the prosecutrix's statement recorded under Section 183 of BNSS, 2023 in which she had denied the factum of rape with her by the applicant. On the aforesaid pretext, it is prayed that applicant may be released on anticipatory bail.

4. On the other hand, learned counsel for the State has opposed the prayer for grant of anticipatory bail to the applicant.

5. FIR has been lodged after an inordinate delay of 23 days. Prosecutrix in her statement recorded under Section 183 of BNSS, 2023 before the Magistrate has denied the factum of rape. Therefore, having taken into consideration all the facts & circumstance of the case and the submissions made by the learned counsel for the applicant, but without NEUTRAL CITATION NO. 2025:MPHC-JBP:12198 3 MCRC-10643-2025 expressing any opinion on the merit of the case, I am of the view that it is a case in which applicant may be released on anticipatory bail. Consequently, this first anticipatory bail application under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (Section 438 of Cr.P.C., 1973) for grant of anticipatory bail filed on behalf of applicant stands allowed.

6. It is directed that in the event of arrest applicant - Anuj Kurmi be released on bail on his furnishing a personal bond in the sum of Rs. 50,000/- (Rupees Fifty Thousand Only) with one surety in the like amount to the satisfaction of the Arresting Authority. At stage of filing of charge-sheet by police, applicant shall furnish fresh bail bond of same amount before trial Court to its satisfaction subject to following conditions:-

(i) Applicant shall make himself available for interrogation by a police officer as and when required;

(ii) Applicant is directed to join investigation, then and there;

(iii) Applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or to any police officer;

(iv) In case, applicant is not arrested within a period of 10 days by the Investigation Officer, he shall surrender himself before the Investigation Officer within 15 days' from today failing which this order shall become ineffective.

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7. However, it is being made clear that in case of bail jump and in violation of any of conditions imposed herein above, this order shall become ineffective and Investigation Officer/Trial Court shall

be at liberty to proceed against the applicant as per law.

Certified copy as per rules.

(DINESH KUMAR PALIWAL) JUDGE @shish