

Raju Adiwasi vs The State Of Madhya Pradesh on 16 January, 2025

Author: Sanjay Dwivedi

Bench: Sanjay Dwivedi

NEUTRAL CITATION NO. 2025:MPHC-JBP:1927

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IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR
BEFORE
HON'BLE SHRI JUSTICE SANJAY DWIVEDI
ON THE 16th OF JANUARY, 2025
MISC. CRIMINAL CASE No. 616 of 2025
RAJU ADIWASI
Versus
THE STATE OF MADHYA PRADESH AND OTHERS
Appearance:
Shri Narendra Nikhare - Advocate for the applicant.
Shri G.S. Thakur - Government Advocate for the State.

ORDER

This first application under Section 483 Bhartiya Nagarik Suraksha Sanhita, 2023 has been filed on behalf of the applicant for grant of bail relating to Crime No.442/2024 registered at Police Station-Govindpura, District- Bhopal for the offence punishable under Sections 363, 366-A, 376AB and 376(2)(n) of the IPC and Sections 5/6 of the POCSO Act. The applicant is in jail since 04.07.2024.

2. Learned counsel for the applicant submits that the present applicant has been falsely implicated by the prosecutrix, though, she is a minor but he submits that earlier also she made a complaint against another person and offence was registered against him but in the trial the prosecutrix turned hostile and in that case the accused was granted bail by this Court. The order of the Court in other case passed in favour of the accused has also been filed by the present applicant which reveals that the prosecutrix turned hostile in the trial. He submits that looking to the conduct and the manner in which NEUTRAL CITATION NO. 2025:MPHC-JBP:1927 2 MCRC-616-2025 present applicant has been implicated on the basis of same allegation which was made in the earlier case got registered by the prosecutrix. 4 . Per contra, learned counsel for the State opposes the submissions made by learned counsel for the applicant and submits that the prosecutrix is a minor aged about 15 years and the applicant has remained in custody for only about five months, therefore, the application deserves to be rejected.

5. Considering the submissions made by learned counsel for the parties and on perusal of case-diary, I am of the opinion that the present applicant can be granted bail because it is a case of Section 483 Bhartiya Nagarik Suraksha Sanhita, 2023. Without commenting anything on the merits of the case, this bail application is allowed.

6. 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.

7. On being released on bail, the applicant shall abide by the conditions enumerated in Section 480(3) Bhartiya Nagarik Suraksha Sanhita, 2023.

(SANJAY DWIVEDI) JUDGE PK