

Brijesh @ Pintu vs The State Of Madhya Pradesh on 5 February, 2025

NEUTRAL CITATION NO. 2025:MPHC-IND:2902

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IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE
BEFORE
HON'BLE SHRI JUSTICE BINOD KUMAR DWIVEDI
ON THE 5th OF FEBRUARY, 2025
MISC. CRIMINAL CASE No. 3372 of 2025
BRIJESH @ PINTU
Versus
THE STATE OF MADHYA PRADESH

Appearance:
Applicant by Shri Rishiraj Trivedi - Advocate.
Respondent - State of Madhya Pradesh by Shri Kshitij
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 for grant of regular bail by applicant Brijesh @ Pintu S/o Premnarayan Kushwaha, who has been arrested on 05.11.2024 in relation to Crime/FIR No.490 of 2024 registered at Police Station Nanakheda, Ujjain District Ujjain (MP) for commission of offence under Sections 137 (2), 64 and 64 (2) (M) Bhartiya Nyaya Sanhita, 2023, under Section 5 (L) read with Section 6 of the Protection of Children from Sexual Offences Act, 2012 and also under Sections 3 (2) (v-a) and 3 (2) (v) of Scheduled Caste & Scheduled Tribe (Prevention of Atrocity) Act, 1989.

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 NEUTRAL CITATION NO. 2025:MPHC-IND:2902 2 MCRC-3372-2025 her.

3. Learned counsel for the applicant submits that the applicant is innocent and has falsely been implicated in the crime. Even in statement under Section 183 BNSS = Section 164 of Code, nothing adverse has surfaced against the applicant. Learned counsel further submits that even in statement before the trial Court, the complainant - victim and her mother have turned hostile and they have not supported the prosecution case. The applicant is in jail since 05.11.2024. 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 and 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, when the victim has neither supported the prosecution case in Section 164 of the Code statement nor before the trial Court, 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 NEUTRAL CITATION NO. 2025:MPHC-IND:2902 3 MCRC-3372-2025 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 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