

Awdesh vs The State Of Madhya Pradesh on 11 February, 2025

NEUTRAL CITATION NO. 2025:MPHC-JBP:6592

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IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR
BEFORE
HON'BLE SHRI JUSTICE DEVNARAYAN MISHRA
ON THE 11th OF FEBRUARY, 2025
MISC. CRIMINAL CASE No. 50659 of 2024
AWDESH
Versus
THE STATE OF MADHYA PRADESH
Appearance:
Shri Sunil Mishra - Advocate for the applicant.
Shri Harish Shukla - Panel Lawyer for the respondent/State

ORDER

This is the first application filed by the applicant under Section 483 of Bhartiya Nagrik Suraksha Sanhita, 2023/Section 439 of Cr.P.C., 1973 for grant of regular bail relating to FIR/Crime No.127 of 2024 registered at Police Station Simra, District- Niwadi (M.P.) for the offence punishable under Sections 64 and 137(2) of Bhartiya Nyaya Sanhita, 2023 and under Section 3/4 of POCSO Act.

2. Learned counsel for the applicant has submitted that the victim at the time of the incident was major. There was a love affair between the applicant and the victim and due to that report was lodged by the pressure of family members. Two cases that has been mentioned by prosecution were registered against the applicant. He has submitted copy of the FIR/Crime No.235/2023 registered at Police Station Niwadi for offence punishable under Sections 341, 354 and 354-A of IPC and 7/8 of POCSO Act and also submitted that victim and her mother in her statement before the Court has NEUTRAL CITATION NO. 2025:MPHC-JBP:6592 2 MCRC-50659-2024 not supported the prosecution case and the victim's mother has clearly stated that the victim was 19 years of age and the date of birth of the victim was recorded by the teacher. She never went to school to record the date of birth for the admission of the victim and submitted that applicant and victim were major and there was a consensual relationship between both and due to pressure of her parents, she had lodged the FIR. Hence, the applicant is entitled to be released on bail.

3. Learned counsel for the State has opposed the bail application and submitted that DNA report is positive. Hence, the applicant is not entitled for bail.

4. Heard the parties and perused the case diary.

5. Looking to the statement of the victim as well as her mother supported the allegation levelled against the applicant before the trial Court. Considering the facts and circumstances of the case and as trial will take time to conclude, this Court finds it to be a fit case to release the applicant on bail. Therefore, without commenting on the merits of the case, the application is allowed.

6. It is directed that applicant shall be released on bail on his furnishing personal bond in a sum of Rs.50,000/- (Rupees Fifty Thousand Only) with one surety in the like amount to the satisfaction of the trial Court concerned for his appearance before the concerned Court on all such dates as may be fixed by that Court in this regard during the pendency of trial.

7. It is further directed that the applicant shall comply with the provisions of Section 480(3) of BNSS.

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8. Accordingly, this M.Cr.C. stands disposed of.

9. C.C. as per rules.

(DEVNARAYAN MISHRA) JUDGE AT