

THE HIGH COURT OF MADHYA PRADESH
CRA No.3353/2020

(Suraj Kushwah Vs. State of M.P.)

Indore, dated :02/09/2020

Shri Surendra Tuteja, learned counsel for the appellant.

Shri S. Vyas, learned Penal Lawyer for the respondent no.1/State.

None for respondent no.2.

Heard. Case diary perused.

Appellant has preferred this appeal under Section 14-A(2) of the SC/ST (PA) Act, 1989, feeling aggrieved with the order dated 25.05.2020, rendered by Special Judge Dewas, District Dewas, in Bail No.217/2020 whereby the prayer for regular bail has been declined.

Appellant has been arrested on 12.02.2020 in connection with crime No.113/2020 registered at Police-Station City Kotwali, District Dewas in relation to offence punishable under Sections 376 2(N), 506 of I.P.C., and 3(1) (W-II), 3(2)(V), 3(2)(V-a) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) 1989.

As per prosecution story, the prosecutrix has lodged an FIR alleging that appellant committed rape upon her on the pretext of marriage.

Learned counsel for the appellant has submitted that the appellant is innocent and he has falsely been implicated in the present crime. The prosecutrix is a married lady. She has made allegations against the appellant in her statements recorded under Section 164 of Cr.P.C. that she was having love affair with the appellant and he made physical relation with her first on 15.02.2017, thereafter, he started coming to her house regularly and continued to have physical relationship with her. On the insistence of appellant she divorced her husband and thereafter the appellant refused to marry her. Learned

counsel further submitted that now the family members of both the parties are ready to solemnized their marriage and in this regard the prosecutrix has also given an affidavit before this Court. Looking to the aforesaid, learned counsel for the appellant prays for grant of bail to the appellant.

Learned Public Prosecutor for the State submits that no sufficient ground is made out for releasing the appellant on bail, hence the application filed by the appellant be dismissed.

Looking to the fact that the appellant and the prosecutrix are major and now they are ready to solemnize marriage. In these circumstances, present appeal is allowed in part and the appellant is granted temporary bail for a period of **two months from the date of his release** so that during this period the appellant can solemnize the marriage with the prosecutrix.

Consequently, setting aside the impugned order, the appeal is hereby allowed in part. It is directed that the appellant shall be released on bail on execution of personal bond in the sum of **Rs.50,000 (Rupees Fifty thousand only)** with a solvent surety in the like amount to the satisfaction of the learned trial Court and the appellant shall surrender before the trial Court on 03.11.2020 and shall also abide by the conditions enumerated under Section 437 (3) of Cr.P.C.

Certified copy as per Rules.

(S.K. Awasthi)
Judge

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