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MCRC-52206-2025

IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE

BEFORE

HON'BLE SHRI JUSTICE SUBODH ABHYANKAR

ON THE 3rd OF DECEMBER, 2025MISC. CRIMINAL CASE No. 52206 of 2025*Versus**THE STATE OF MADHYA PRADESH*

Appearance:*Ms. Amrita Jain - Advocate for the applicant.**Shri Virendra Khadav- G.A. for the State.**Shri Tilok Gawali- Advocate for the objector.*

ORDER

1] They are heard. Perused the case diary/challan papers.

2] This is the applicant's first bail application filed under Section 483 of Bharatiya Nagrik Suraksha Sanhita, 2023/ 439 of Criminal Procedure Code, 1973, as he / she is implicated in connection with Crime No.593/2025 registered at Police Station Vijaynagar, District Indore (MP) for offence punishable under Sections 61(2), 65(1), 64(2)(m), 96, 137(2), 318(4), 338, 336(3), 340(2) and 167 of the Bharatiya Nyaya Sanhita, 2023 and Section 3/4 and 5(L)/6 of POCSO Act. The applicant is in custody since 07.08.2025.

3] The allegation against the applicant is of rape and also under the POCSO Act. It is alleged that the applicant, who is aged 34 years, solemnized marriage with the prosecutrix, who was 15 years old at the time of incident, and was married to him by her paternal uncle and aunt.

4] Counsel for the applicant has submitted that the applicant himself is a victim of an offence, as admittedly, the age of the prosecutrix was suppressed by



her uncle and aunt on the basis of a forged Aadhaar Card, in which she is stated to be born on 01.12.2002, and her name has also been changed in the Aadhaar Card. Counsel has also shown the photographs and video-clips of the marriage, in which, the prosecutrix can be seen to be dancing with the applicant, and appears to be happy. Thus, it is submitted that it cannot be said that the marriage was forced upon the prosecutrix in any manner.

5] It is submitted that subsequently, when the applicant's side came to know about the fraud being played on them on the basis of the forged Aadhaar Card, they have also lodged an FIR at Crime No.276/2025 at Police Station Chhipa Barod, District Baran, Rajasthan under Sections 318(2), 318(4), 316(2) and 61(2) of the B.N.S, 2023, wherein, it is also alleged that the applicant's side had also paid a sum of Rs.2,10,000/- to the prosecutrix's side through PhonePe. Counsel has also drawn the attention of this Court to the FIR, in which it is alleged that the prosecutrix mixed some intoxicant in the food of the applicant's family, and thereafter, she fled from the house along with jewellery and valuables. It is also submitted that the person who had forged the Aadhaar Card, Devchand, has already been granted bail by this Court in M.Cr.C. No.53069/2025 dated 02.12.2025. Thus, it is submitted that in such circumstances the application deserves to be allowed, as the applicant himself is a victim of an offence of fraud and the prosecutrix was also a party to it.

6] The prayer is vehemently opposed by the counsel for the State, as also the objector, and it is submitted that looking to the fact that the prosecutrix is 15 years old only, the application deserves to be dismissed, as the age of the applicant is 34 years and the prosecutrix was also not allowed to talk to her father during this period.

7] On due consideration of submissions, perusal of the case diary, as also the



FIR lodged at the instance of the applicant's side at Police Station Chhipa Barod, District Baran, Rajasthan alleging fraud by the prosecutrix and her uncle and aunt, who are also the accused in the present case, and the fact that the true age of the prosecutrix was also suppressed by preparing a forged Aadhaar Card, and the fact that the co-accused Devchand (Supra) has already been granted bail by this Court, this Court finds that the applicant has made out a case for grant of bail.

8] Accordingly, without commenting on the merits of the case, the application filed by the applicant is allowed. The applicant is directed to be released on bail upon furnishing a personal bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand) with one solvent surety of the like amount to the satisfaction of the trial Court for his/her regular appearance before the trial Court during trial with a condition that he / she shall remain present before the court concerned during trial and shall also abide by the conditions enumerated under Section 437 (3) Criminal Procedure Code, 1973.

9] M.Cr.C. stands *allowed* and *disposed of*.

Certified copy as per rules.

(SUBODH ABHYANKAR)
JUDGE