IN THE HIGH COURT OF MADHYA PRADESH AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE VISHAL DHAGAT

ON THE 7th OF JULY, 2023

CRIMINAL APPEAL No. 8035 of 2023

BETWEEN:-

ANURAG MEHTO S/O DR. GOVIND MADHAV, AGED ABOUT 50 YEARS, OCCUPATION: BUSINESSMEN IN FRON OF GURUDWARA MAHOBA ROAD CHHATARPUR (MADHYA PRADESH)

.....APPELLANT

(BY SHRI RAUNAK YADAV - ADVOCATE)

AND

1. **THE STATE OF MADHYA PRADESH THROUGH POLICE STATION CIVIL LINES DISTRICT-CHHATARPUR (MADHYA PRADESH)**

2. **VICTIM A S/O NOT MENTION NOT MENTION (MADHYA PRADESH)**

.....RESPONDENTS

(MS. S. A. GEORGE - GOVT. ADVOCATE)

This appeal coming on for admission this day, the court passed the following:

ORDER

1 . This is third criminal appeal filed under Section 14-A(1) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, against the order of rejection of their bail by the trial Court for grant of regular bail to the appellant, who is in jail since 30.06.2022 in connection of Crime No.356/2022, registered at Police Station Civil Lines District Chhatarpur for the offences punishable under Sections 376, 506, of Indian Penal Code and Section

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3(1), w(ii) and Section 3(2)(v) of SC/ST Act. Earlier appeals of the appellant were considered and dismissed.

2 . It is submitted by the counsel appearing for the appellant that appellant is innocent and has been falsely implicated in the case. It is submitted by him that applicant is in jail since 30.6.2022 for more than one year. There is no likelihood of completion of trial in near future. It is further submitted that DNA report is negative as material which was found on articles seized was not sufficient for conducting DNA examination. In these circumstances, appellant may be released on bail.

3 . Counsel appearing for the State Government has opposed the appeal for grant of bail and submitted that there is no change in the circumstances. FSL was positive. Prosecutrix has stated in her statement that appellant has forcibly committed rape after threatening her. She has gone along with applicant on allurement that he will secure a job for her. Considering the same, appellant may not be enlarged on bail.

4. Heard learned counsel for the parties.

5. Appellant is in jail for more than one year and DNA report which has been received is negative. Prosecutrix is major aged about 28 years.

6. Considering the fact that appellant is in jail for more than one year and the also the fact that DNA report is negative, in these change circumstances, appeal is **allowed**.

7. It is directed that appellant shall be released on bail on his furnishing a personal bond in the sum of **Rs.50,000/- (Rs. Fifty thousand)** with one solvent surety in the like amount to the satisfaction of trial Court. In addition to that appellant shall abide by the conditions enumerated in Section 437 (3) of Cr.P.C.

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Certified copy as per rules.

(VISHAL DHAGAT)
JUDGE

DUBEY/-

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