



IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE DEVNARAYAN MISHRA

ON THE 18th OF FEBRUARY, 2025

MISC. CRIMINAL CASE No. 7550 of 2025

BABBU @ MOHD. TUFEL

Versus

THE STATE OF MADHYA PRADESH

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Appearance:

Shri Migendra Singh - Senior Advocate with Shri Jaideep Kaurav and Ms. Akanksha Singh Chouhan - Advocate for the applicant.

Ms. Neetu Pasine - Panel Lawyer for the respondent-State.
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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.662/2024 registered at Police Station-Amiliya, District-Sidhi (M.P.) for the offence punishable under Section 64(2)(f) and 351(3) of B.N.S., 2023.

2. Learned counsel for the applicant has submitted that the applicant is first cousin of the victim. In their community, the marriage between daughter and son of the uncle is permitted. The victim was much interested in marrying with him but the marriage was not solemnised with the applicant and she was married with another person in Uttar Pradesh. As per the prosecution, on the date of the incident, the victim was going with the applicant on motorcycle and the applicant violated her privacy on the way.

3. Learned counsel for the applicant has further submitted that just



after the incident, the victim accompanied with the accused and with him, she went to her husband's home. She had not complained the matter to her husband. No FIR was lodged on that date which is unnatural. If the applicant violated her privacy, she must have narrated the incident to her husband but FIR was lodged on 15.12.2024 stating that the incident had happened on 10.12.2024. In the statement under Section 183 of Cr.P.C., she had changed the story and in her statement to Investigating Office, she had stated that on 14.12.2024, first time she went to Police Station alongwith her father whereas the victim was married in Uttar Pradesh. At the time of incident, she came into contact with her husband then FIR was lodged. In the medical examination, no injury was found on the body of the victim.

4. Learned counsel for the applicant has further submitted that the DNA has not been conducted as only the vaginal slide of the victim was sent for FSL examination. After the incident, she stayed with her husband for five days. If the human sperm was found in the vaginal slide, no interference can be drawn against the applicant and submitted that the trial will take time to be concluded, hence, the applicant is entitled to be enlarged on bail.

5. Learned counsel for the State has opposed the bail application and submitted that the vaginal slide of the victim was found positive. Blood sample of the applicant was taken and sent for DNA examination. Why a sister of the applicant will falsely implicate his brother. No case for bail is made out. Hence, the applicant is not entitled to be released on bail.

6. Heard the parties and perused the case diary.

7. Looking to the facts and circumstances of the case that the victim is



major and married woman and FIR was lodged after five days of the incident and the trial will take time to be concluded, this Court deems it appropriate to enlarge the applicant on bail, therefore, without commenting on the merit of the case, the application is **allowed**.

8. It is directed that **applicant-Babbu @ Mohd. Tufel** 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 said Court on all such dates as may be fixed by that Court in this regard during the pendency of trial.

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

10. Accordingly, Misc. Criminal Case stands disposed of.

C.C. as per rules.

(DEVNARAYAN MISHRA)
JUDGE

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