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MCRC-2736-2025

IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE DEVNARAYAN MISHRA

ON THE 5th OF FEBRUARY, 2025

MISC. CRIMINAL CASE No. 2736 of 2025

TEJ NARAYAN SHARMA

Versus

THE STATE OF MADHYA PRADESH

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Appearance:

Shri Qasim Ali - Advocate for applicant.

Shri Pratyush Tripathi - Advocate for objector.

Shri B.K. Upadhyay - Government Advocate for State.
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ORDER

This is the *first* application filed by the applicant under Section 482 of *Bhartiya Nagarik Suraksha Sanhita*, 2023/Section 438 of Cr.P.C., 1973 seeking anticipatory bail in connection with Crime No.338 of 2024 for the offence punishable under Section 376(2)(n) of IPC registered at Police Station- Mahila Thana, District- Bhopal (M.P.).

2. Learned counsel for applicant has submitted that the applicant and the victim are major and at present both are working as engineer. There was friendly relations between them since 2006. They were having consensual relation from 2010 to 2018 and in the year 2018, the applicant was working in Bangalore and after that there was no talk between them. FIR has been lodged on 10.12.2024, therefore, no case is made out against the applicant, hence, the applicant be released on anticipatory bail.

3. Learned counsel for objector has submitted that no case for



anticipatory bail is made out as on the pretext of marriage, applicant has violated the privacy of victim for 8 to 10 years, time and again he has promised to marry but after that he denied to marry, thus it is clear case of violating the privacy of victim and that is punishable under Section 376(2)(n) of the IPC, hence, the anticipatory bail of applicant be dismissed.

4. Learned counsel for State has opposed the bail application and has submitted that the applicant not only violated her privacy but also communicated her photographs to his friend circle, therefore, the custodial interrogation is required, hence, the applicant is not entitled to be released on anticipatory bail.

5. Heard the parties and perused the case diary.

6. Looking to the facts and circumstances of the case coupled with the fact that both were in long relationship from 2010 to 2018 and both were serving in different places but then no allegation of violating of privacy has been reported and FIR was registered on 10.12.2024 and both are major, hence, this Court deems it appropriate to enlarge the applicant on anticipatory bail, therefore, without commenting on the merit of the case, the application is **allowed**.

7. It is directed that in the event of arrest, the applicant shall be enlarged on bail on furnishing a 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 Arresting Officer for his appearance before him during the course of investigation or before the trial Court concerned during trial, as the case may be.



8. Applicant is directed to cooperate with the investigating agency and shall submit all the documents and intimate photographs of victim that are in his possession to the investigating agency and victim too. Applicant shall also handover his all electronic gadgets like mobile, laptop etc. to the investigating agency along with the password of his all social media platforms like Facebook, Instagram, whatsapp etc. for the investigation and if any objectionable material is found, it shall be hand over to the victim and agency. Investigating agency shall return all the gadgets of applicant after receiving/taking data from digital peripheral devices positively.

9. It is further directed that the applicant shall abide by all the conditions as enumerated under Section 482(2) of BNSS.

10. Accordingly, M.Cr.C. stands disposed of.

C.C. as per rules.

(DEVNARAYAN MISHRA)
JUDGE

DPS