



1

MCRC-42422-2025

IN THE HIGH COURT OF MADHYA PRADESH
AT GWALIOR

BEFORE

HON'BLE SHRI JUSTICE MILIND RAMESH PHADKE

ON THE 22nd OF SEPTEMBER, 2025

MISC. CRIMINAL CASE No. 42422 of 2025

KAMAL KISHORE KUSHWAHA @ KALLA @ RADHE

Versus

STATE OF MADHYA PRADESH AND OTHERS

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Appearance:

Shri Arjun Singh Kushwah - Advocate for the petitioner.

Shri V P S Tomar P L appearing on behalf of Advocate General[r-

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ORDER

This is first bail application under Section 483 of BNSS filed by the applicant for grant of bail.

The applicant has been arrested on 31.7.2025 by Police Station- Cantt. District Guna in connection with Crime No.3/2024, registered in relation to the offence punishable under Sections 363, 366, 376, 376 (3) of IPC and section 3/4 of POCSO Act.

As per the case of the prosecution, the allegation against the present applicant is that he committed rape upon the prosecutrix, who is aged 19 years. On the basis of such allegation, the above crime was registered.

Learned counsel for the applicant submits that the applicant has



been falsely implicated in the case. He has not committed any offence. The prosecutrix had left her house to her own will. He further submitted that the prosecutrix has been examined during trial and in her Court statement, she has turned hostile and had not supported the case of the prosecution. The applicant is the first offender and he has no criminal past. Trial will take time for its conclusion. The applicant is permanent resident of District Guna and there is no likelihood of his absconsion or tampering with the prosecution evidence. He is ready to abide by the terms and conditions as may be imposed. With the aforesaid submissions, prayer for grant of bail is made out.

Learned counsel for the State vehemently opposed the application and prayed for its rejection.

Considering the overall facts and circumstances of the case, nature of allegations and looking to the Court statement of the prosecutrix as she turned hostile and not supported the case of the prosecution, coupled with the fact that the trial is not likely to conclude in near future and prolonged pre- trial detention being an anathema to the concept of liberty, this Court is inclined to extend the benefit of bail to the applicant.

Accordingly, without expressing any opinion on merits of the case, this application is allowed and it is directed that the applicant be released on bail on furnishing a personal bond in the sum of **Rs.50,000/- (Rupees Fifty Thousand only)** with one solvent surety of the like amount



3

MCRC-42422-2025

to the satisfaction of the trial Court/committal Court for his appearance on the dates given by the concerned Court.

This order will remain operative subject to compliance of the following conditions by the applicant:-

1. The applicant will comply with all the terms and conditions of the bond executed by him;
2. The applicant will cooperate in the investigation/trial, as the case may be;
3. The applicant will not indulge himself in extending inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to the Police Officer, as the case may be;
- 4 . The applicant shall not commit any other offence during pendency of the trial, failing which this bail order shall stand cancelled automatically, without further reference to the Bench;
5. The applicant will not seek unnecessary adjournments during the trial; and
6. The applicant will not leave India without previous permission of the trial Court/Investigating Officer, as the case may be.

Certified copy as per rules.

(MILIND RAMESH PHADKE)
JUDGE



(aspr)