

HIGH COURT OF MADHYA PRADESH**MCRC.No.57757/2021****(Hashid Khan Vs. The State of M.P.)****Gwalior Bench : Dated : 03.12.2021**

Shri Pradeep K. Shrivastava, learned counsel for the applicant.

Shri Kuldeep Singh, learned Public Prosecutor for the State.

Shri Ramrajya Singh Dangi, learned counsel for the complainant.

The applicant has filed this first bail application u/S.439 Cr.P.C. for grant of bail. Applicant has been arrested on 29.09.2021 by Police Station Sironj, District Vidisha (M.P.) in connection with Crime No.396/2021 for the offence punishable under Sections 354, 354 (A), 323, 365, 342 and 376 (D) of IPC.

It is the submission of learned counsel for the applicant that the applicant is suffering confinement since 29.09.2021 and the charge sheet has already been filed. The applicant himself is the victim of circumstances rather than the perpetrator of it because he filed FIR bearing Crime No.394/2021 which is much prior in time and he sustained fracture over his right parietal region, therefore, he is the injured person in the case. As a matter of counter blast, instant case has been imposed over the applicant. In fact, role of the applicant was figured in the statement under Section 164 of Cr.P.C., not before that. Confinement amounts to pretrial detention. He undertakes to cooperate in trial and would not be a source of harassment and embarrassment to the complainant party in any manner. Under these grounds, he prayed for bail.

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Learned Public Prosecutor for the respondent/State as well as the counsel for the complainant opposed the prayer but counsel for the State fairly submits that there is no criminal antecedent against the present applicant.

Heard learned counsel for the parties and perused the documents appended thereto.

Considering the facts situation of the case, without commenting on the merits of the case, the application is allowed *subject to verification of the fact that the applicant is having no criminal history*. It is directed that the applicant shall be released on bail on furnishing a personal bond in the sum of **Rs.50,000/- (Rupees Fifty Thousand Only) with two solvent sureties** of the like amount to the satisfaction of the Trial Court concerned.

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

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Court or to the Police Officer, as the case may be;

4. The applicant shall not commit an offence similar to the offence of which he is accused;

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.

7. Looking to the nature of allegation and the fact that both the parties are known to each other. It is expected that the applicant shall not visit in the village of the prosecutrix, till statement of the prosecutrix.

Application stands **allowed and disposed of.**

Copy of this order be sent to the trial Court concerned for compliance.

Certified copy as per rules.

(Anand Pathak)
Judge

AK/-