

**IN THE HIGH COURT OF MADHYA PRADESH
AT GWALIOR**

BEFORE

HON'BLE SHRI JUSTICE ANAND PATHAK

ON THE 2nd OF DECEMBER, 2022

MISC. CRIMINAL CASE NO. 52949 OF 2022

Between:-

**MUSTKEEM S/O SHRI ISRAR KHAN,
AGED 19 YEAR, OCCUPATION –
LABOUR, R/O PURANI CHHAWANI,
LASHKAR GWALIOR MADHYA
PRADESH**

.....APPLICANT

(BY SHRI R.K.BHARADWAJ - ADVOCATE)

AND

**THE STATE OF MADHYA PRADESH
THROUGH POLICE STATION
BAHODAPUR, DISTRICT GWALIOR
(MADHYA PRADESH)**

.....RESPONDENT

(BY SHRI ANIL SHUKLA – PUBLIC PROSECUTOR)

*This application coming on for hearing this day, the Court passed
the following:*

ORDER

Heard on I.A.No.18851/2022, application for amendment in cause title.

According to learned counsel for applicant, due to typographical error, particulars of offence were not misrepresented correctly. Offence is under Section 392 of IPC and Section 11/13 of MPDVPK Act.

On due consideration, I.A.No.18851/2022 is allowed.

At the request of counsel for the applicant, amendment is allowed to be caused across the board.

After amendment is carried out, at the request of counsel for the applicant, matter is heard finally.

The applicant has filed this **first** bail application u/S.439 Cr.P.C for grant of bail. Applicant has been arrested on 11.06.2022 by Police Station Bahodapur, District Gwalior (Madhya Pradesh) in connection with Crime No.240/2022 for the offence punishable under Section 392 of IPC and Section 11/13 of MPDVPK Act.

It is the submission of learned counsel for applicant that applicant is suffering confinement since 11.06.2022 and charge sheet has already been filed, therefore chance of tampering with the evidence/witnesses is remote. It is further submitted that applicant has been falsely implicated in the case and he is a boy aged 19 year and a chance be given for course correction and to mend his ways to become a better citizen in life. Applicant further undertakes not to be a source of embarrassment/harassment to the complainant party in any manner and shall not move their vicinity. Applicant further undertakes to perform community service to purge his misdeeds, if any, and to serve national/environmental/social

cause. Under these circumstances, his case may be considered for bail.

Learned Public Prosecutor for the respondent/State opposes the prayer on the basis of criminal antecedents of applicant in which five cases are of same nature. He prays for dismissal of the application.

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

Considering the period of custody as well as the age of applicant which appears to be 19 years, a chance be given for course correction, therefore this Court intends to allow the application. It is hereby directed that the applicant shall be released on bail on his furnishing personal bond of **Rs.50,000/- (Rupees Fifty Thousand Only) with one solvent surety** of the like amount to the satisfaction of trial 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 an offence similar to the offence of which he is accused;
5. The applicant will not seek unnecessary adjournments during the trial;

6. The applicant will not leave India without previous permission of the trial Court/Investigating Officer, as the case may be;

7. The applicant shall not move in the vicinity of complainant side in any manner and shall not try to contact them through in person or through electronic/digital means or through somebody else otherwise benefit of bail shall be immediately withdrawn.

8. The applicant shall mark his presence before the Police Station Bahodapur, District Gwalior on every Sunday between 10:00 am to 02:30 pm, till conclusion of trial.

And

The Station House Officer of the concerned Police Station is directed as follows:

1. The Station House Officer shall inform the victim about the release of the applicant on bail.

2. In case applicant extends any threat, intimidation or coercion to the complainant side or tries to contact the complainant and her family members in person, through digital mode or through somebody else then complainant side shall be at liberty to file fresh complaint against the applicant before the Police Station and in that condition police shall help the cause of complainant. Complainant shall also be at liberty to move an application for cancellation of bail if any misconduct as referred above is committed by the applicant after being released on bail.

Application stands **allowed and disposed of.**

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

AK/-

(ANAND PATHAK)
JUDGE