

High Court of Madhya Pradesh, Jabalpur
Bench at Indore

Miscellaneous Criminal Case No.59176/2021

(Mohammed Javed s/o Abdul Hamid Parwana
Versus
The State of Madhya Pradesh)

Indore, Dated 06.12.2021

Shri Vivek Singh, learned counsel for the applicant.

Shri D.S. Chouhan, learned Panel Lawyer for the respondent /
State of Madhya Pradesh.

They are heard. Perused the case diary / challan papers.

This is the applicant's repeat (**second**) bail application under Section 439 of Criminal Procedure Code, 1973. He is implicated in connection with Crime No.567/2021 registered at Police Station Industrial Area, Ratlam District Ratlam (MP) for offence punishable under Sections 506, 507, 354 (d) and 384 of Indian Penal Code, 1860 and also under Section 11, 12 and 15 of the Protection of Children from Sexual Offence Act, 2012. His earlier bail application Miscellaneous Criminal Case No.48626/2021 has already been dismissed as withdrawn by this Court on 23.10.2021.

The applicant is in custody since 11.09.2021.

Counsel for the applicant has submitted that the earlier bail application of the applicant has already been dismissed as withdrawn. Now, after the investigation is complete, it is found that even according to the victim, she did not share any of her objectionable photographs with the applicant, which is also reflected

from the fact that though the prosecution has seized mobile phone of the applicant, however, no incriminating material has been found. It is submitted that the applicant is in jail since 11.09.2021 and the final conclusion of the trial is likely to take sufficiently long time.

Hence, it is prayed that the application be allowed and the applicant be released on bail.

Counsel for the respondent / State, on the other hand, has opposed the prayer.

Having considered the rival submissions and on perusal of the case diary and the fact that the the applicant is in jail since 11.09.2021 and the final conclusion of the trial is likely to take sufficiently long time, I find force with the contentions raised by the counsel for the applicant.

Accordingly, without adverting to the merits of the case, the present application stands **allowed**. The applicant is directed to be released on bail upon furnishing a personal bond in the sum of **Rs.50,000/- (rupees fifty thousand)** with one solvent surety of the like amount to the satisfaction of the trial Court for his / her regular appearance before the trial Court during trial with a condition that he / she shall remain present before the court concerned during trial and shall also abide by the conditions enumerated under Section 437 (3) Criminal Procedure Code, 1973.

It is also observed that if the applicant is found in any of the

criminal activities, after his release on bail, then the present bail order shall stand cancelled without further reference to this Court; and the State / prosecution will be free to arrest the accused in the present case also.

This order shall be effective till the end of the trial, however, in case of bail jump, it shall become ineffective.

Certified copy as per rules.

(Subodh Abhyankar)
Judge

