

The High Court of Madhya Pradesh : Bench At Indore

BEFORE

HON'BLE SHRI JUSTICE VIVEK RUSIA

ON THE 9th OF JULY, 2022

MISC. CRIMINAL CASE No. 27223 of 2022

Between:-

LIMA @ RIYA SHEIKH W/O RONI SHEIKH, AGED ABOUT 20 YEARS, OCCUPATION: NONE 443, DUTT NAGAR INDORE PERMANENT ADDRESS: KATWA DISTRICT BAGERGHAT, BANGLADESH (OTHER COUNTRY)

.....PETITIONER

(BY SHRI MANU MAHESHWARI, ADVOCATE)

AND

THE STATE OF MADHYA PRADESH STATION HOUSE OFFICER THROUGH STATION HOUSE OFFICER HEERANAGAR, INDORE (MADHYA PRADESH)

.....RESPONDENTS

(BY SHRI VIRAJ GODHA, GOVT. ADVOCATE)

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

ORDER

This is the first application filed by the applicant under Section 439 of the Code of Criminal Procedure, 1973 for grant of bail in connection with Crime No.70/2020 registered at Police

Station – Heeranagar, District – Indore for the offences punishable under Sections 346, 347, 323, 364-A, 506, 34 of the Indian Penal Code & Sections 14(A), 14(B) and 14(C) of the Foreigners Act. The applicant is in custody since 08.02.2020.

As per prosecution story, a missing person report bearing No.21/20 was recorded on 06.02.2020 by brother of the complainant. After recording the aforesaid report, a search was conducted in house No.43 of the husband of co-accused – Smt Megha @ Begum Khatun where the complainant was found. In one room he was tied up with chair. He was released and examined by the doctor. Certain injuries were found on his body. His statement was recorded in which he has stated that on 05.02.2020, he received a phone from a girl who called him in house No.43, Datt Nagar. He went there and thereafter he was given some substance in cold drink and he became unconscious. The police registered the case against all accused persons.

Learned counsel for the applicant has drawn the attention of this Court towards the statement of P.W-1, who in examination-in-chief has not levelled any allegation against the present applicant. In para – 7 of the cross-examination, he has stated that he does not know the present applicant.

Learned Government Advocate for the respondent / State opposes the bail application by submitting that the applicant is the resident of Bangladesh and residing in India without any valid passport.

Considering the facts and circumstances of the case and the fact that the applicant is in custody since 08.02.2020, I deem it proper to enlarge the applicant on bail. Accordingly, the bail application is allowed. The applicant is directed to be released on bail upon his furnishing personal bond in the sum of **Rs.2,00,000/- (Rupees Two Lakh Only)** with two local sureties of rupees One Lakh each in the like amount to the satisfaction of the Trial Court for her appearance before that Court during the pendency of trial and shall also abide by the conditions enumerated under Section 437(3) Cr.P.C.

In case of bail jump, the present bail order shall become ineffective.

Certified copy, as per rules.

(VIVEK RUSIA)
J U D G E

Ravi