

IN THE HIGH COURT OF MADHYA PRADESH AT INDORE

BEFORE

HON'BLE SHRI JUSTICE ANIL VERMA

ON THE 22nd OF JUNE, 2022

MISC. CRIMINAL CASE No. 29670 of 2022

Between:-

1. MOHD SHAKIR S/O ABDUL KAYYUM,
AGED ABOUT 27 YEARS,
OCCUPATION: SERVICE,
R/O 360, B SECTOR, CHANDAN NAGAR,
INDORE (MADHYA PRADESH)

2. RIJWAN S/O SHRI SAEED KURESHI,
AGED ABOUT 26 YEARS,
OCCUPATION: SERVICE,
R/O MAKAN NO. 79, SECTOR S,
CHANDAN NAGAR,
INDORE (MADHYA PRADESH)

.....APPLICANTS

(BY SHRI S. K. GUPTA, ADV.)

AND

THE STATE OF MADHYA PRADESH,
THROUGH STATION HOUSE OFFICER,
POLICE STATION SADALPUR,
DISTRICT DHAR (MADHYA PRADESH)

.....RESPONDENT

(BY SHRI HEMANT SHARMA, GA)

This application coming on for hearing this day, the court

passed the following:

O R D E R

This is the **first** anticipatory bail application filed under Section 438 of the Code of Criminal Procedure, 1973. The applicants are apprehending their arrest in connection with Crime No.177/2022 registered at Police Station – Sadalpur, District Dhar (M.P.) for commission of offence punishable under Section 364-A of the Indian Penal Code, 1860.

As per the prosecution story, on 05/05/2022 at about 19:34 O'clock complainant Nilesh Jaiswal lodged a report that a phone call was received on the mobile of Ankit but at that time Ankit was worshipping. Ankit said that number which came in his mobile belongs to Nafees Warsi and he went to see Nafees. After some time, brother Vijay came running and informed that five persons have kidnapped Ankit in a car. Complainant followed them but kidnappers ran away in the car. Thereafter, a ransom call was received from Ankit and he was saying to bring ransom of Rs.60 Lacs else kidnappers will kill him. Accordingly, offence under Section 364-A of the IPC has been registered against the present applicant and other co-accused persons.

Learned counsel for the applicants contended that applicants are innocent and have been falsely implicated in this offence. There is no legal evidence available on record to connect the applicants

with the aforementioned offence. Nothing has been recovered from their possession. On 13/11/2021 the applicants and other persons have lodged an FIR against Ankit in respect of Crime No.676/2021 under Section 420, 406 and 409 of the IPC at Police Station Dwarkapuri, Indore in which Ankit was absconding. Applicants saw the Ankit on 05/05/2022 and they took Ankit to Police Station Dwarkapuri, where he admitted to pay the money of applicants and other persons. Later on police produced Ankit before the JMFC on 06/05/2022 and JMFC has given the remand of Ankit up to 14/05/2022. Therefore, he was not kidnapped on 05/05/2022 but the applicants helped the police in arresting the Ankit. The mobile phone from which calls are allegedly said to be made does not belongs to the applicants. They are the permanent residents of Indore district. Final conclusion of trial shall take sufficient long time. Under the above circumstances, prayer for grant of anticipatory bail may be considered on such terms and conditions, as this Court deems fit and proper.

Per-contra, learned counsel for the respondent – State opposes the bail application and prays for its rejection.

Perused the impugned order of the trial Court as well as the case dairy.

Considering all the facts and circumstances of the case, arguments advanced by both the parties, nature of allegation and

also taking note of the fact that after perusal of the order dated 18/05/2022 passed by Sessions Judge, Dhar in Bail Application No.283/2022 it appears that Ankit was absconded in Crime No.676/2021 and on 05/05/2022 both the applicants have found Ankit who has admitted that he has obtained the money and he will pay the money before the police at Dwarkapuri, therefore, they brought Ankit at Police Station Dwarkapuri and then he was duly arrested by the police and police remand in respect of the Ankit was given by Sessions Court till 14/05/2022. Possibility of delay in conclusion of the trial cannot be ruled out. Therefore, without commenting upon the merits of the case, I deem it proper to release the applicants on anticipatory bail.

Accordingly, application is allowed. It is directed that in the event of applicants' arrest, the applicants be released on anticipatory bail on their furnishing personal bond in the sum of **Rs.75,000/- (Rupees Seventy Five Thousand Only) each** with separate solvent surety in the like amount to the satisfaction of arresting officer for their appearance before the Investigating Officer during the course of investigation as and when directed. Conditions of Section 438(2) Cr.P.C. shall also apply on the applicant during currency of bail.

Certified copy as per rules.

(ANIL VERMA)
J U D G E