

**IN THE HIGH COURT OF MADHYA PRADESH  
AT INDORE  
BEFORE**

**HON'BLE SHRI JUSTICE ANIL VERMA**

**ON THE 30<sup>th</sup> OF JANUARY, 2023**

**MISC. CRIMINAL CASE No. 4424 of 2023**

**BETWEEN:-**

**MUBBSHIR ALI HASHMI S/O AJMAT ALL, AGED  
ABOUT 22 YEARS, OCCUPATION: BUSINESS  
HOUSE NO. 435 ALKA PURI DEWAS (MADHYA  
PRADESH)**

**.....APPLICANT**

***(BY SHRI GOVIND PAL SINGH SONGARA- ADVOCATE)***

**AND**

**THE STATE OF MADHYA PRADESH STATION  
HOUSE OFFICER THROUGH POLICE STATION  
MAINGAON DISTRICT KHARGONE (MADHYA  
PRADESH)**

**.....RESPONDENTS**

***(BY SHRI KAPIL MAHANT - PL)***

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

**ORDER**

This is the first bail application under Section 439 of the Code of Criminal Procedure, 1973 filed on behalf of the applicant for grant of bail in connection with Crime No.355/2022 registered at Police Station Maingaon, District Khargone (M.P.) for commission of offence punishable under Section 364-A, 365, 120-B and 471 of the Indian Penal Code, 1860.

As per prosecution story, the applicant along with the co-accused had hatched a criminal conspiracy of kidnapping Akshay Mahajan. On

16/08/2022 at 1 about 10:30 PM, other co-accused persons kidnapped Akshay Mahajan and demanded ransom of Rs.50 Lacs for his release from his family members. Accordingly, offence has been registered against the applicant.

Learned counsel for the applicant submits that the applicant is an innocent person and he has been falsely implicated in this offence. He is in custody since 21/08/2022. There is no legal evidence available on record to connect the applicant with the aforementioned offence. Investigation is over and charge sheet has been filed. Co-accused Dilawar and Akbar have been enlarged on bail by this Court vide order dated 15/11/2022 and 13/12/2022 passed in M.Cr.C.Nos.53304/2022 and 58689/2022. Co-accused Wakar Ahmed Sheikh has been enlarged on bail by this court vide order dated 10.1.2023 passed in M.Cr.C. No. 969/2023. Co-accused Sohail Khan has also been enlarged on bail by this Court vide order dated 19/01/2023 passed in MCRC no. 2708/2023. Applicant is not having any criminal antecedent. He is permanent resident of Dewas district and final conclusion of the trial is likely to take sufficient long time. Under the above circumstances, prayer for grant of 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. However, he fairly admits that there is no criminal antecedent found against the present applicant.

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

After considering all the facts and circumstances of the case, nature and gravity of offence, arguments advanced by the learned counsel for the applicant and also taking note of the fact that allegedly

victim Akshay Mahajan has been released from the custody of the accused persons on the same day within few hours after his being kidnapped; no ransom of any kind was paid to the accused persons; investigation is over and charge sheet has been filed, therefore, no further custodial interrogation of the applicant is required; co-accused persons have been enlarged on bail by this Court in the similar circumstances; applicant is not having any criminal background and final conclusion of the trial will take sufficient long time. In these circumstances, I deem it proper to release the applicant on bail.

Therefore, without commenting on the merits of the case, the application is allowed. It is directed that applicant be released on bail on his furnishing personal bond in the sum of **Rs.75,000/- (Rupees Seventy Five Thousand Only)** with one solvent surety in the like amount to the satisfaction of the trial Court for his appearance before the trial Court, as and when required. He shall abide by all the conditions enumerated under Section 437(3) Cr.P.C.

It is made clear that if the applicant is again found to be involved in any other offence during the trial, this order shall stand cancelled automatically without reference to the Court and the police will be at liberty to arrest the applicant 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.

**(ANIL VERMA)**  
**J U D G E**

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