

THE HIGH COURT OF MADHYA PRADESH**M.Cr.C. No.1915/2022**

(Salamuddin Kha Vs. State of M.P. and another)

M.Cr.C. No.58307/2021

(Ikbal Beg Vs. State of M.P. and another)

Indore, Dated: 31/01/2022

Heard through video conferencing.

Shri S.K. Meena, learned counsel for the applicants.

Shri Sameer Verma, learned counsel for the respondent/State.

This order shall also govern the disposal of M.Cr.C. No.1915/2022 and 58307/2021 as both the cases have arisen out of the same Crime No.234/2021 registered at same Police Station Shujalpur City, District Shajapur.

These are the first bail applications filed by the applicants under Section 439 Cr.P.C. for grant of bail as they are facing trial for an offence punishable under Section 363, 366-A, 354/34 of the Indian Penal Code, 1860 and 7/8 of POCSO Act registered with Police Station Shujalpur City, District Shajapur at Crime no.234/2021. The applicants are in custody since 25/08/2021.

The allegation against the applicants are that the applicants also accompanied the deceased and the main accused Shakib to the forest.

Counsel for the applicants has submitted that the main allegations are against the co-accused Shakib whereas so far as the present applicants are concerned, it is only alleged against them that they had accompanied the deceased and the main accused to the forest and as a dispute arose between

the deceased and main accused Shakib, all of them left her there only and came back to village. Counsel has also submitted that as per the call details record, accused Shakib had called the deceased at around 2:30 am in the night and the applicants being the friends of the main accused have been falsely implicated in the case. Hence, it is submitted that the bail applications be allowed and the applicants be released on bail.

Counsel for the respondent / State, on the other hand has opposed the prayer and it is submitted that no case for grant of bail is made out. However, it is not denied that as per the telephonic record, it was the main accused who had called the deceased and took her to the forest.

Having considered the rival submissions and on perusal of the case diary, this Court finds force with the contentions of the counsel for the applicants, in the considered opinion of this Court, the applicants' application deserves to be allowed.

Accordingly, without commenting on the merits of the case, the applications filed by the applicants are allowed. The applicants are directed to be released on bail upon furnishing a personal bond in the sum of **Rs.50,000/- (rupees fifty thousand)** each with one separate sureties of the like amount to the satisfaction of the trial Court for their regular appearance before the trial Court during trial with a condition that they 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 applicants are found in any of the criminal activities, after their 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.

Original copy of the order be kept in M.Cr.C. No.1915/2022 and copy whereof be placed in connected case.

Certified copy as per rules.

(Subodh Abhyankar)
Judge

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