

1
**IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE
BEFORE**

HON'BLE SHRI JUSTICE PREM NARAYAN SINGH

ON THE 31st OF JULY, 2023

MISC. CRIMINAL CASE No. 32110 of 2023

BETWEEN:-

**HIMANK S/O MAHENDRA KUMAR JAIN, AGED ABOUT
30 YEARS, OCCUPATION: SERVICE R/O 18, PRABHU
ASHISH BHAWAN KHARGONE (MADHYA PRADESH)**

.....APPLICANT

(DR. KHUZEMA KAPADIA, ADVOCATE)

AND

**THE STATE OF MADHYA PRADESH STATION HOUSE
OFFICER THROUGH POLICE STATION BHANWARKUAN
INDORE (MADHYA PRADESH)**

.....RESPONDENT

**(BY SHRI SURENDRA GUPTA, GOVERNMENT ADVOCATE)
(BY SHRI MANISH VERMA, COUNSEL FOR THE OBJECTOR)**

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

ORDER

This is first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of bail relating to FIR No. 668/2023 dated (not mentioned), registered at Police Station, Bhawarkuan, District-Indore for the offence under Section 498-A/34 and 377 of I.P.C. and Section 3/4 of Dowry Prohibition Act. The applicant is in custody since 12.07.2023.

2. Learned counsel for the applicant submits that the FIR was lodged on 12.07.2023 and the prosecutrix left the house of the applicant prior to 7 months of lodging of FIR. The applicant is innocent and has been falsely implicated in

this case. He is in custody since 12.07.2023 and final conclusion of trial will take sufficient long time. Under these circumstances, counsel prays for grant of bail to the applicant.

3. Learned counsel for the objector submits that there is specific allegation under Section 377 of I.P.C., hence, application for grant of bail should be rejected.

4. On the other hand, learned Govt. Advocate opposed the prayer and supported the contention made by the counsel for the objector.

5. After hearing learned counsel for the parties and looking to the facts and circumstances of the case and also that the final conclusion of the trial will take time, I am of the view that it is a case, in which applicant may be released on bail. Consequently without commenting on the merits of the case, first bail application under Section 439 of the Code of Criminal Procedure for grant of bail filed on behalf of applicant, stands **allowed**.

6. It is directed that applicant-**Himank** be released on bail on his furnishing a personal bond in the sum of **Rs.50,000/- (Rupees Fifty thousand only)** with one solvent surety in the like amount to the satisfaction of the trial Court, for his regular appearance before the trial Court during trial with a condition that he shall remain present before the concerned Court on all the dates fixed by it during trial. He shall abide by all the conditions enumerated under Section 437(3) of Cr.P.C.

7. This order shall be effective till the end of the trial. However, in case of bail jump and breach of any of the conditions of bail, it shall become ineffective.

Certified copy as per rules.

(PREM NARAYAN SINGH)
JUDGE

Vindesh

