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

**BEFORE
HON'BLE SHRI JUSTICE PREM NARAYAN SINGH**

ON THE 31st OF OCTOBER, 2023

MISC. CRIMINAL CASE No. 48905 of 2023

BETWEEN:-

**AKBAR S/O MUBARIK SODA MULTANI,
AGED ABOUT 39 YEARS,
OCCUPATION: AGRICULTURE
R/O Y.D. NAGAR MANDSAUR
DISTT. MANDSAUR (MADHYA PRADESH)**

.....APPLICANT

(SHRI HARSHVARDHAN PATHAK - ADVOCATE)

AND

**THE STATE OF MADHYA PRADESH
STATION HOUSE OFFICER THROUGH
POLICE STATION JULWANIYA
DISTT. BARWANI (MADHYA PRADESH)**

.....RESPONDENTS

(SHRI ANAND BHATT - DY. GOVT. ADVOCATE)

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

ORDER

Heard and perused the record.

This is the second bail application filed on behalf of the applicant under Section 439 of the Code of Criminal Procedure for grant of bail. The applicant is arrested in relation to Crime No.197/2023, registered at Police Station- Julwaniya, District- Barwani, for the offence under Sections 4, 6, 9 of M.P. Govansh Vadh Pratishedh Adhiniyam and 11 d of the Prevention of Cruelty to Animal Act, 1960 and under Section 6(a), 6 (b)(1) of MP Krashak Pashu

Parikshan Adhiniyam and Sections 420, 467 , 468 of IPC, 1860. The applicant is in custody since 17.07.2023. Earlier application was dismissed as withdrawn vide order dated 08.09.2023, passed in M.Cr.C. No.39197/2023.

2. Learned counsel for the applicant submits that the applicant is innocent and he has falsely been implicated in this case. His first application was dismissed as withdrawn with liberty to renew the prayer after completion of 45 days in custody and now the aforesaid period is over. Co-accused Umar has already been enlarged on bail by this Court vide order dated 11.08.2023 passed in M.Cr.C. No.35421/2023. Applicant has been made accused on the basis of memo of co-accused under Section 27 of Evidence Act. The applicant is in jail since 17.07.2023. Conclusion of trial will take sufficient long time. Under these circumstances, counsel prays for grant of bail to the applicant.

3. On the other hand, learned Govt. Advocate opposed the prayer and prayed for its rejection.

4. After hearing learned counsel for the parties and looking to the facts and circumstances of the case and the incarceration period of the applicant, 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**.

5. It is directed that applicant 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.

6. 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

sumathi

