HIGH COURT OF MADHYA PRADESH

M.Cr.C. No.45336/2020

(Saiyyad Mohd. Akhtar *Vs. State of M.P.*)

Jabalpur, Dated :02.12.2020

HEARD THROUGH VIDEO CONFERENCING

Shri Sankalp Kochar, learned counsel for the applicant.

Shri Manu V John, learned Panel Lawyer for the respondent/State.

This is the first bail application filed by the applicant under Section 439 of the Cr.P.C. for grant of bail.

The applicant is in custody since 27.10.2020 in connection with Crime No.128/2020, registered at P.S. Bamhori, District Raisen for the offence punishable under Sections 429, 295 of the I.P.C., Sections 4, 11 of M.P. Pashu Krishak Adhiniyam, 1959, Section 11 (L) of Pashu Kroorta Nivaran Adhiniyam and Section 4/9(1) of Gouvansh Pratishedh Adhiniyam, 2004.

As per the prosecution, one Nandram made a complaint that while he was returning from his agricultural farm, he saw two persons, who were armed with knife. He further stated that after two days, he saw the remains of a dead cow whose body parts were cut and lying in an open area in the forest. It was stated that the act has been done to hurt the religious sentiments of the Hindu community.

Learned counsel for the applicant submits that applicant has been falsely implicated on the basis of the memorandum of the co-accused. It is stated that no identification parade has been conducted and the complainant has seen only 2 unknown persons standing outside the hut of Irfan.

Learned counsel for the State has read out the statement of one Dhansingh Bilala who is allegedly the owner of the cow

wherein he has stated that he has sold the cow to one Saiyyad Mohd. Akhtar and on the basis, it is stated that the bail application be rejected.

On due consideration of the case diary and the statement recorded, since the applicant has been implicated on the basis of memorandum of the co-accused and no identification parade has been done till date, this application is allowed.

It is directed that applicant Saiyyad Mohd. Akhtar shall be released on bail on his furnishing a personal bond in the sum of **Rs.50,000/- (Rs. Fifty Thousand only)** with one surety in the like amount to the satisfaction of the trail Court for his presence before the said Court on all the dates of hearing fixed in this regard during the trial.

This order will remain operative subject to compliance of the following conditions :-

"1. The applicant will comply with all the terms and conditions of the bond executed by him.

2. The applicant will cooperate in the investigation/trial, as the case may be;

3. The applicant will not indulge himself in extending inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to the Police Officer, as the case may be;

4. The applicant shall not commit any other offence during pendency of the trial, failing which this bail order shall stand cancelled automatically without further reference to the Bench;

5. The applicant will not seek unnecessary adjournments during the trial;

6. *The applicant will not leave India without previous permission of the trial Court/Investigating Officer, as the case may be.*

7. *The learned concerned Magistrate and the prosecution are directed to ensure following of Covid-19 precautionary protocol prescribed from time to time by the Supreme Court, the Central Govt. and as well as the State Govt."*

A typed copy of this order be forwarded by the Registry to the Office of the Advocate General and to Shri Manu V John, learned Panel Lawyer, on their respective email address, for intimation to the Police Station concerned. The office is also directed to forward a copy of this order to the learned Court below.

Certified copy/e-copy as per rules/directions.

(Nandita Dubey)
Judge



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