IN THE HIGH COURT OF MADHYA PRADESH AT GWALIOR

BEFORE

HON'BLE SHRI JUSTICE ANAND PATHAK

ON THE 5th OF FEBRUARY, 2024

MISC. CRIMINAL CASE No. 3235 of 2024

BETWEEN:-

FAEEM KHAN S/O SHRI MEHMOOD ALI, AGED ABOUT 43 YEARS, TAAJ MASJID KE PICHHE HAJIPUR, SIRONJ THANA SIRONJ DISTRICT VIDISHA M.P. (MADHYA PRADESH)

.....APPLICANT

(BY SHRI S.K.YADAV - ADVOCATE)

AND

THE STATE OF MADHYA PRADESH THROUGH POLICE STATION SIRONJ DISTRICT VIDISHA (M.P.) (MADHYA PRADESH)

.....RESPONDENT

(BY SHRI RAJEEV UPADHYAY - GOVERNMENT ADVOCATE)

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

ORDER

1. The applicant has filed this third bail application u/S.439 Cr.P.C for grant of bail. Applicant has been arrested on 25.02.2022 by Police Station-Sironj, District Vidisha in connection with Crime No.92/2022 registered for offence punishable under Sections 147, 148, 149, 302 of IPC.

2. It is the submission of learned counsel for the applicant that applicant has been falsely implicated in the case and is suffering confinement since 25.02.2022. It is further submitted that material prosecution witnesses including eye witnesses have been examined. Therefore, chance of tempering with

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evidence/witnesses is remote. Applicant does not bear any criminal record. Some of the witnesses have not supported the story of the prosecution and have declared hostile. Even his role is not established by the prosecution. Considering the period of custody and status of trial, his case be considered for bail. It is further submitted counsel for the applicant that co-accused Nadeem Khan has been extended benefit of bail vide order dated 25.01.2024 vide M.Cr.C. No.2585/2023, therefore, he seeks parity. Applicant undertakes to cooperate in trial/investigation and would abide by all the terms and conditions as imposed by this Court. He further undertakes not to move in the vicinity of complainant side and shall not be a source of embarrassment and harassment to them in any manner. Under these grounds, he prayed for bail.

3. Learned counsel for the respondent/State opposed the prayer and prayed for dismissal of application.

4. Heard learned counsel for the parties at length and perused the case diary.

5. Considering the submissions advanced by the learned counsel for the parties and status of trial as well as the fact that applicant does not bear any criminal record and maintaining parity, but without commenting on the merits of the case, the application is **allowed**. It is hereby directed that the applicant shall be released on bail on his furnishing personal bond of **Rs.50,000/- (Rupees Fifty Thousand Only)** with **two solvent sureties** in the like amount to the satisfaction of trial Court.

6. This order will remain operative subject to compliance of the following conditions by the applicant :-

(i) The applicant will comply with all the terms and conditions of the bond executed by him;

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(ii) The applicant will co-operate in the investigation/trial, as the case may be;

(iii) 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 them from disclosing such facts to the Court or to the Police Officer, as the case may be;

(iv) The applicant shall not commit an offence similar to the offence, of which he is accused;

(v) The applicant will not seek unnecessary adjournments during the trial;

(vi) The applicant will not leave India without previous permission of the trial Court/Investigating Officer, as the case may be;

(vii) **The applicant shall mark his presence on first Sunday of every month before the concerned police station between 10:00 am to 2:30 pm till conclusion of trial.**

(viii) Applicant shall not be a source of embarrassment and harassment to the complainant party in any manner and shall not move in the vicinity of the complainant and shall not move even in the village where the complainant resides till conclusion of trial so that complainant and remaining prosecution witnesses (family members of complainant) shall freely depose before the trial court.

7. Application stands **allowed** and **disposed of**.

8. A copy of this order be sent to the trial Court concerned for compliance and information.

9. Certified Copy as per rules.

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(ANAND PATHAK)
JUDGE

Ashish*

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