
(2021) 07 MP CK 0199

In the Madhya Pradesh High Court

Case No : Miscellaneous Criminal Case No.36920 Of 2021

Mufaddal s/o Ismail Punjabi

APPELLANT

Vs

State Of Madhya Pradesh

RESPONDENT

Date of Decision : 28-07-2021

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 437(3), 439

Indian Penal Code, 1860 — Section 34, 294, 323, 327, 384, 506

Citation : (2021) 07 MP CK 0199

Hon'ble Judges : Subodh Abhyankar, J

Bench : Single Bench

Advocate : Abhay Kumar Saraswat, Geetanjali Chourasia

Final Decision : Allowed

Judgement

Subodh Abhyankar, J

They are heard. Perused the case diary / challan papers.

This is the first application under Section 439 of Criminal Procedure Code, 1973, as he / she is implicated in connection with Crime No.478/2021

registered at Police Station City Kotwali, District Mandsaur (MP) for offence punishable under Sections 294, 323, 327, 384 and 506 read with Section

34 of the Indian Penal Code, 1860.

The applicant is in custody since 28.06.2021.

The allegation against the applicant is one of extortion and assault.

Counsel for the applicant has submitted that the applicant is a 19 years' old student having passed his Class 10th in the year 2019 and has also been

admitted in Virtual Voyage College of Design, Media, Art and Management, Indore (MP).

Counsel has submitted that the applicant is in jail since 28.06.2021 and apart from the statement of the complainant, there is no other material available on record to connect him with the alleged offence.

Counsel for the applicant has further submitted that this is the first offence and he has a bright future ahead and his further incarceration in the present case is not necessary.

Thus, it is submitted that the applicant be released on bail, as he is in jail since 28.06.2021 and there are no criminal incidents of the applicant.

Counsel for the respondent / State has opposed the prayer. However, it is not denied that there are no criminal antecedents of the applicant.

Counsel has also submitted that the applicant happens to be a Gang Member and was involved in the extortion business. Hence, no case for grant of bail is made out.

On due consideration of the rival submissions and perusal of the case diary as also taking note of the fact that no other incriminating material has been

seized from the possession of the applicant to connect him with the alleged offence and the fact that he is a student pursuing studies (relevant

documents have also been placed on record), this Court finds force with the submissions of the counsel for the applicant.

In view of the same, in the considered opinion of this Court, the applicant's application deserves to be allowed.

Accordingly, without commenting on the merits of the case, the application filed by the applicant is allowed. The applicant is directed to be released on

bail upon furnishing a personal bond in the sum of Rs.50,000/- (rupees fifty thousand) with one solvent surety of 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 / she 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.

This order shall be effective till the end of the trial, however, in case of bail jump, it shall become ineffective.

Certified copy as per rules.