

Ganga Bai vs The State Of Madhya Pradesh on 6 September, 2024

Author: Vishal Mishra

Bench: Vishal Mishra

NEUTRAL CITATION NO. 2024:MPHC-JBP:45129

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IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR
BEFORE
HON'BLE SHRI JUSTICE VISHAL MISHRA
ON THE 6th OF SEPTEMBER, 2024
MISC. CRIMINAL CASE No. 37767 of 2024
GANGA BAI
Versus
THE STATE OF MADHYA PRADESH
Appearance:
Shri Deepak Mishra - Advocate for the applicant.
Shri Amit Pandey - Government Advocate for the respondent/

ORDER

This is the first application under Section 482 of Bhartiya Nagrik Suraksha Sanhita Adhiniyam, 2023 for grant of anticipatory bail to the applicant.

The applicant apprehends her arrest in connection with Crime No.317/2024 registered by Police Station Tendukheda, District Damoh (M.P.) for offence punishable under Sections 354(ga), 292 of Indian Penal Code r/w Section 66(e), 67 of I.T. Act, 2000.

It is submitted that the applicant has falsely been implicated in the crime. She has not committed any offence in any manner. It is further submitted that the allegation against the applicant is that she has sent the video which was received on her mobile to Kuldeep Upadhyay. The prosecution agency has issued a notice in terms of Section 35(3) of the Bhartiya Nagrik Suraksha Sanhita Adhiniyam, 2023. She has cooperated with the investigating agency and her statement has been recorded. The other co-accused has already been granted anticipatory bail by this Court vide order dated 07.08.2024 passed in M.Cr.C.No.31576/2024 (Kuldeep Upadhyay Vs. State of Madhya Pradesh). The applicant is a NEUTRAL CITATION NO. 2024:MPHC-JBP:45129 2 MCRC-37767-2024 Government servant. There is no criminal past and the applicant is the first offender. She is ready to cooperate with the investigation and to abide by all the terms and conditions that may be imposed by this Court while considering the anticipatory bail application. On

these grounds, he prays for granting anticipatory bail to the applicant.

Per contra, counsel appearing for the State has opposed the application. Considering the overall facts and circumstances of the case and without commenting upon the merits of the case, this Court deems it appropriate to allow this application for grant of anticipatory bail subject to verification the fact that applicant is the first offender. In the event of arrest, the applicant is directed to be released on bail on furnishing a surety bond in the sum of Rs.50,000/- (Rupees Fifty Thousand only) with one surety in the like amount to the satisfaction of Arresting Officer.

The applicant is directed to mark her presence before the concerning Police Station in first week of every month till the conclusion of investigation and is directed to cooperate in investigation. In case of failure to cooperate, the bail granted by this Court shall stand rejected automatically.

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

1. The applicant will comply with all the terms and conditions of the bond executed by her;
2. The applicant will cooperate in the investigation/trial, as the case may be;
3. The applicant will not indulge herself in extending inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade her from disclosing such facts to the Court or to the Police Officer, as the case may NEUTRAL
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3 MCRC-37767-2024 be;

4. The applicant shall not involve in any other offence, in case the applicant indulge in any other criminal case the benefit of bail as extended by this Court shall automatically cancelled.
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 applicant will inform the concerned S.H.O. of concerned Police Station about her residential address in the said area and it would be the duty of the Public Prosecutor to send E-copy of this order to SHO of concerned police station as well as Superintendent of Police concerned who shall inform the concerned SHO regarding the same.

Application stands allowed.

Certified copy as per rules.

(VISHAL MISHRA) JUDGE AM