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

**BEFORE  
HON'BLE SHRI JUSTICE VIVEK AGARWAL**

**ON THE 30<sup>th</sup> OF SEPTEMBER, 2022**

**MISC. CRIMINAL CASE No. 46296 of 2022**

**BETWEEN:-**

1. **GOPAL SINGH SOMWANSHI S/O SHRI ASHWANI KUMAR SINGH, AGED ABOUT 24 YEARS, OCCUPATION: PRIVATE JOB VILLAGE NAGLA HOOSA POST / POLICE STATION AMRITPUR FARUKHABAD (UTTAR PRADESH)**
2. **ANSHU SINGH S/O SHRI BHAGWAN SINGH, AGED ABOUT 30 YEARS, OCCUPATION: PRIVATE JOB R/O NAGARIYA JAWAHAR SABALPUR, P.S. RAJEPUR, DISTRICT FARUKHABAD (UTTAR PRADESH)**
3. **DEEPAK KUMAR S/O SHRI ARUN KUMAR, AGED ABOUT 30 YEARS, OCCUPATION: PRIVATE JOB R/O NAGARIYA JAWAHAR , P.S. RAJEPUR, DISTRICT FARUKHABAD (UTTAR PRADESH)**

**.....APPLICANTS**

**(BY SHRI IMTIAZ HUSAIN, SR. ADVOCATE ASSISTED BY SHRI MOHD. SAJID, ADVOCATE)**

**AND**

**THE STATE OF MADHYA PRADESH THROUGH  
POLICE STATION CRIME BRANCH BHOPAL  
DISTRICT BHOPAL M.P. (MADHYA PRADESH)**

**.....RESPONDENT**

**(BY SHRI SHIV KUMAR SHRIVASTAVA, GOVT. ADVOCATE)**

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*This second application coming on for hearing on this day, the court  
passed the following:*

**ORDER**

This is second bail application filed under Section 439 of the Code of Criminal Procedure, 1973 on behalf of the applicants- Gopal Singh Somwanshi,

Anshu Singh, Deepak Kumar, who are in custody since 13/12/2021 in connection with Crime No.319/2021 registered at Police Station Crime Branch, Bhopal, Distt. Bhopal (M.P) for the offence punishable under Sections 420/34, 419, 201, 120-B of IPC and also Section 66-D of IT Act.

First application was dismissed on merits vide order dated 26th April, 2022.

It is submitted that offence under Sections 419 and 420 of IPC have been compounded by learned Judicial Magistrate First Class, Bhopal vide order dated 07/09/22 in Case No.RT1412/2022 but has refused to compound offence under Section 66-D of IT Act though offence under Section 66-D of the Information Technology Act, 2000 to is compoundable under Section 77A of I.T. Act, 2000. It is submitted that now the offences are only under Sections 201, 120-B of IPC. Maximum punishment will be three years as substantive provision of offence is under Section 66-D only. Trial will take time for its conclusion. Hence, prayer is made to enlarge the applicant on bail.

Learned Govt. Advocate for the State opposes the prayer made by learned counsel for the applicant, but he is in agreement that there is no criminal history against the applicant.

Taking all these facts into consideration and also taking into consideration the period of custody of the applicant as they are in custody since 13/12/2022, this Court is of the opinion that this is a good case to extend benefit of bail to the applicant. Hence, without commenting anything on merits of the case, this second bail application is allowed.

It is directed that applicants be released on bail on their furnishing a personal bond to the tune of Rs.1,00,000/- (Rupees one lakh Only) each with two solvent sureties each in the like amount to the satisfaction of the learned

Trial Court for their appearance before the said Court on the dates given by the concerned Court during pendency of trial. It is further directed that the applicants shall comply with the provisions of Section 437(3) of the Cr.P.C.

This order shall be effective till the end of the trial, however, in case of bail jump and breach of any of the pre-condition of bail, it shall become ineffective.

Certified copy as per rules.

**(VIVEK AGARWAL)**  
**JUDGE**

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