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

**BEFORE
HON'BLE SHRI JUSTICE SANJAY DWIVEDI**

ON THE 10th OF AUGUST, 2022

MISC. CRIMINAL CASE No. 38261 of 2022

Between:-

**BABU KHAN S/O ABDUL SAMAD, AGED ABOUT
42 YEARS, R/O H.NO. N-54 ABDUL FAZAL
ENCLAVE JAMIA NAGAR NEW DELHI (DELHI)**

.....APPLICANT

(BY SHRI VISHAL DANIEL, ADVOCATE)

AND

**THE STATE OF MADHYA PRADESH THROUGH
POLICE STATION CYBER CRIME DISTRICT
BHOPAL (MADHYA PRADESH)**

.....RESPONDENT

(BY SHRI PUNIT SHROTI, PANEL LAWYER)

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

ORDER

This third application under Section 439 of the Code of Criminal Procedure has been filed on behalf of the applicant for grant of bail in connection with Crime No.143/2021 registered at Police Station Cyber Crime, District Bhopal, for the offence punishable under Sections 419, 420, 471, 468 of the Indian Penal Code and Section 66(d) of the Information Technology Act, 2000.

The applicant is in jail since 19.12.2021.

The counsel for the applicant submits that earlier bail application was rejected on merits vide order dated 08.03.2022 wherein the present applicant

and co-accused Shamim were applicants. Thereafter, the second bail application of co-accused Shamim was considered and allowed by the Court on 26.07.2022 on the ground that Shamim was not involved in any financial transaction and after rejecting the first bail application, no progress was reported in the trial and none of the witnesses came forward to get his statement recorded. He further submits that the case of present applicant is similar to that of Shamim and, therefore, to maintain parity, he is entitled to be released on bail.

Shri Shrotri is not disputing the factual aspect but submitting that once application of the applicant got rejected on merits, merely because co-accused Shamim has been granted bail, the applicant cannot claim parity. He submits that no specific reason is reflecting in the order of granting bail to co-accused Shamim and therefore, parity cannot be claimed in absence of any specific reason.

However, considering the submissions made by the counsel for the parties and perusal of order dated 26.07.2022, it reflects that taking note of the fact that Shamim's involvement is not direct and not dealing with any financial transaction and no progress was reported in the trial at the time of hearing the matter, the bail application of co-accused Shamim was considered.

Since the case of present applicant is similar to that of co-accused Shamim, therefore, to maintain parity, I am inclined to enlarge the present applicant on bail. Therefore, without commenting anything on the merits of the case, this application is **allowed**.

It is directed that the applicant be released on bail upon his furnishing a bail bond in the sum of **Rs.1,00,000/- (Rupees One Lac)** with one solvent surety of the like amount to the satisfaction of the trial Court concerned for his

appearance on the dates given by it.

It is further directed that the applicant shall abide by the conditions enumerated in Section 437(3) of the Code of Criminal Procedure.

Certified copy as per rules.

(SANJAY DWIVEDI)
JUDGE

ac/-

