

1
**IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR**

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

ON THE 22nd OF AUGUST, 2022

MISC. CRIMINAL CASE No. 33539 of 2022

Between:-

**NAMAN SINGH BAGHEL S/O LATE NAGENDRA
SINGH BAGHEL, AGED ABOUT 21 YEARS,
OCCUPATION: STUDENT, R/O BEHIND POLICE
STATION, WARD NO. 7, BEYOHARI, DISTRICT-
SHAHDOL (MADHYA PRADESH)**

.....APPLICANT

(BY SHRI MUKESH KUMAR MISHRA, ADVOCATE)

AND

**THE STATE OF MADHYA PRADESH THROUGH
THE POLICE STATION CYBER AND HIGH
TECHNIQUE OFFENCE, DISTRICT- BHOPAL
(MADHYA PRADESH)**

.....RESPONDENT

(BY SHRI PRAKASH GUPTA, PANEL LAWYER)

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

ORDER

This second 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.15/2022 registered at Police Station Cyber and High Technique Offence, Bhopal (MP), for the offence punishable under Section 420 of the Indian Penal Code and Section 66(c) & 66(d) of the Information Technology Act..

The applicant is in jail since 20.03.2022.

The applicant's first bail application was dismissed as withdrawn vide

order dated 19.05.2022.

Learned counsel for the applicant submits that an application for settlement and compromise moved before the Court below under Section 320(2) of the Code of Criminal Procedure. According to the applicant, whatever amount he had withdrawn from the accounts of the complainant, that has been returned by him, although, the trial Court accepted the application of compromise in part but rejected the same as some offences were not compoundable. The counsel for the applicant submits that considering the factual aspect of the matter, this bail application is required to be considered and allowed.

On the other hand Shri Gupta has opposed the bail application and submitted that merely because parties entered into compromise that does not mean the applicant became entitled to be released on bail.

Without commenting anything on the merits of the case, looking to the terms and conditions of the settlement and the fact that applicant is an under trial accused, he is in jail since 20.03.2022 so also the fact that the amount withdrawn by him has already been returned to the complainant, I am inclined to consider and allow this bail application. Accordingly, it is **allowed**.

It is directed that the applicant be released on bail upon his furnishing a personal 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.

ac/-

