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

**BEFORE
HON'BLE SHRI JUSTICE VISHAL DHAGAT**

ON THE 13th OF OCTOBER, 2022

MISC. CRIMINAL CASE No. 43344 of 2022

BETWEEN:-

1. **KAPTAN S/O RUSTTAM, AGED ABOUT 35 YEARS,
OCCUPATION: LABOUR R/O H.NO. VILLAGE-
DEVSERAS, DISTRICT MATHURA, U.P. (UTTAR
PRADESH) (UTTAR PRADESH)**
2. **WARIS KHAN S/O KAMAROUDDIN KHAN, AGED
ABOUT 25 YEARS, OCCUPATION: LABOUR R/O-
VILLAGE DEVSERAS, P.S. GOVERDHAN,
DISTRICT MATHURA, U.P. (UTTAR PRADESH)**

.....APPLICANTS

(BY SHRI S.K. TIWARI - ADVOCATE)

AND

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

.....RESPONDENT

(BY SHRI A. RAJESHWAR RAO - GOVERNMENT ADVOCATE)

.....
*This application has come up for hearing on this day, the court passed
the following:*

ORDER

This is ***second*** application under Section 439 of the Code of Criminal Procedure for grant of bail to the applicants. First application was dismissed as withdrawn vide order dated 07.07.2022 passed in MCRC No.32049/2022.

Applicants have been arrested on 11.06.2022 in connection with Crime No.22/2022 for offence under Sections 419, 420, 201, 179, 204, 120-B of the IPC; Sections 66-C, 66-D of the Information Technology Act, 2000 registered

at Police Station-Baghsewaniya, District-Bhopal (M.P.).

Learned counsel appearing for the applicants submitted that applicants are innocent and have falsely been implicated in the case. Applicants are in jail since 11.06.2022. As per prosecution story, applicants are said to have withdrawn an amount of Rs.98,000/- from account of complainant-Surbhi. Said amount has been credited into account of complainant. Counsel for applicants read over the supplementary statement recorded by police in which complainant had stated that amount of Rs.37,900/-, 50,000/- and 10,000/- has been credited in her bank account on different dates. She does not know who has credited the said amount in her account but she has not entered into compromise. Applicants are not having any criminal antecedents. On these grounds, he prayed that applicants may be enlarged on bail.

Learned Government Advocate appearing for the State submitted that there is no evidence that applicants have returned the amount. There may be another transaction in the account of complainant.

Heard the counsel for the parties.

Allegation is regarding withdrawal of Rs.98,000/- from complainant account. Same amount has been credited in account of complainant. Complainant has not stated that who had transferred the amount in her bank account neither any other person has claimed that amount has wrongly been credited in complainant's account.

Considering the facts and circumstances of the case, without expressing any opinion on the merits of the case, bail application filed by the applicants, is **allowed**. It is directed that applicants be released on bail on furnishing personal bond of **Rs.50,000/-(Rs. Fifty Thousand only) each** with one solvent surety each in the like amount to the satisfaction of the trial Court concerned for their

appearance before the said Court on all such dates as may be fixed in this regard during the pendency of trial.

The applicants shall abide by the following conditions of Section 437 (3) of Cr. P. C. as under:-

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter;

(b) that such person shall not commit any offence similar to the offence of which he is accused, or suspected of the commission of which he is suspected and;

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

C.C. as per rules.

(VISHAL DHAGAT)
JUDGE

shabana