

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

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

ON THE 18th OF OCTOBER, 2022

MISC. CRIMINAL CASE No. 49199 of 2022

BETWEEN:-

**VIVEK VIKRAM SINGH S/O SHRI SANJAY
KUMAR SINGH, AGED ABOUT 22 YEARS,
OCCUPATION: PRIVATE JOB R/O 135,
RATUAPAR GOVINDPUR, DISTRICT AZAMGARH
(UTTAR PRADESH)**

.....APPLICANT

***(BY SHRI IMTIAZ HUSSAIN, SENIOR COUNSEL WITH SHRI
MOHAMMED KASIM, ADVOCATE)***

AND

**THE STATE OF MADHYA PRADESH THROUGH
P.S. CRIME BRANCH BHOPAL DISTRICT
BHOPAL (MADHYA PRADESH)**

.....RESPONDENT

(BY SHRI AJAY TAMRAKAR, PANEL LAWYER)

.....
*This application coming on for admission 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 applicant - Vivek Vikram Singh, who is 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 too is compoundable under Section 77-A 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 he is 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 applicant be released on bail on his furnishing a personal bond to the tune of Rs.1,00,000/- (Rupees one lakh Only) with two solvent sureties in the like amount to the satisfaction of the learned Trial Court for his appearance before the said Court on the dates given by the concerned Court during pendency of trial. It is further directed that the applicant 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

as

