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

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

ON THE 13th OF JANUARY, 2023

MISC. CRIMINAL CASE No. 60086 of 2022

BETWEEN:-

**MOHD. AFJAL S/O SHRI HAIDAR, AGED ABOUT 26
YEARS, OCCUPATION: PRIVATE JOB R/O NEAR
SHATILA MANDIR SERTALAB, P.S. NORTH AASANSOL
VARDHMAN (SADAR) WEST BENGAL**

.....APPLICANT

(BY SHRI ANKIT SAXENA - ADVOCATE)

AND

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

.....RESPONDENT

(BY SHRI L.A.S. BAGHEL - DEPUTY GOVERNMENT ADVOCATE)
.....

*This application coming on for admission 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.147/2021 registered at Police Station Crime Branch, District Bhopal, for the offence punishable under Sections 419, 420, 201, 120-B of the Indian Penal Code and Section 66-D of the Information Technology Act, 2000.

The applicant's first bail application was dismissed on merits vide order dated 08.11.2021 passed in M.Cr.C. No.53665 of 2021 whereas his second bail

application was dismissed as withdrawn vide order dated 05.07.2022 passed in M.Cr.C. No.25100 of 2022.

Learned counsel for the applicant submits that the applicant is in jail since 30.06.2021. He submits that on the basis of a complaint of cheat made by the complainant, the applicant has been made accused in the alleged offence. He submits that the applicant is innocent and has been falsely implicated in the alleged offence. He further submits that the charge-sheet has been filed. He submits that the offence is triable by the Court of Judicial Magistrate First Class and trial would take time to be concluded. Therefore, he prays that looking to the applicant's custody period, he may be enlarged on bail.

On the other hand, learned Deputy Government Advocate has opposed the prayer of bail and submitted that the applicant is a resident of State of West Bengal and is a habitual offender and if he is released on bail, then there is every possibility that he will not cooperate with the investigation and remained absconding.

Considering the arguments advanced by learned counsel for the parties, perusal of case diary and the applicant's custody period, I am inclined to enlarge the 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 personal bond in the sum of **Rs.1,00,000/- (Rupees One Lac)** with **two local sureties** 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

Devashish

