

# Yasin Khan vs The State Of Madhya Pradesh on 13 July, 2020

**Author: Prakash Shrivastava**

**Bench: Prakash Shrivastava**

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THE HIGH COURT OF MADHYA PRADESH  
M.Cr.C. No.22145/2020  
(Yasin Khan S/o Late Shri Ajam Khan Vs. State of M.P.)  
Indore, Dated: 13/07/2020  
Shri Yogesh Kumar Gupta, learned counsel for the  
applicant.  
Shri Vinay Puranik, learned counsel for the  
respondent/State.

Heard through video conferencing on the question of grant of bail.

This is an application filed by the applicant under Section 438 Cr.P.C. for grant of anticipatory bail.

Notice of this application was served on the State counsel. Case diary as per the direction of this Court has been produced for perusal and it is accordingly perused.

The applicant is apprehending his arrest for an offence punishable under Section 4 of Muslim Women (Protection of Rights on Marriage) Act 2019 and Section 506 of the IPC registered with Police Station Kotwali, District Dewas in Crime No.344/2020.

The allegation against the present applicant is in respect of committing offence under Section 4 of the Muslim Women (Protection of Rights on Marriage) Act 2019 by orally pronouncing "Talaq" for three times (triple Talaq).

Counsel for the applicant submits that the applicant has been falsely implicated because he was having strained relations with the complainant. He further submits that the incident had allegedly taken place on 27/02/2020 whereas the complaint has been lodged on 12/06/2020. He further submits that the complainant is living with her parents separately since 2016 and earlier also she had filed a complaint under the provisions of Domestic Violence Act which was rejected then she had filed an application for maintenance under Section 125 of the Cr.P.C. which was rejected by the trial Court by order dated 06/12/2019. Referring to the provisions contained in Section 5 of the Muslim Women (Protection of Rights on Marriage) Act, he has submitted that since Section 5 also provides for maintenance, therefore, to make out a case under Section 5, the complainant had lodged the report for offence under Section 4 of the Act. He further submits that relationship between the applicant and complainant are strained since the complainant wants to enter into illicit relationship with other persons. He further submits that if the applicant is arrested at this stage he will suffer serious prejudice.

Counsel for the State has opposed the bail application and has referred to Section 3 of the Act as also statement of complainant recorded under Section 161 of the Cr.P.C.

After hearing the learned counsel for the parties and on consideration of the facts and circumstances of the present case, I find it to be a fit case for grant of anticipatory bail to the applicant.

Accordingly the bail application is allowed and it is directed that in the event of the applicant's arrest, in connection with Crime No.344/2020, the applicant be released on bail on furnishing a bail bond of Rs.35,000/- (Rupees Thirty Five thousand) with one surety of the like amount to the satisfaction of Station House Officer of the Police Station concerned. He would abide by the conditions mentioned in Section 438(2) Cr.P.C.

Certified copy as per rules.

(Prakash Shrivastava) Judge krjoshi Date: 2020.07.13 18:03:39 +05'30'