

Madan vs The State Of Madhya Pradesh on 1 October, 2024

Author: Prakash Chandra Gupta

Bench: Prakash Chandra Gupta

NEUTRAL CITATION NO. 2024:MPHC-IND:28747

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IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE
BEFORE
HON'BLE SHRI JUSTICE PRAKASH CHANDRA GUPTA
ON THE 1 st OF OCTOBER, 2024
MISC. CRIMINAL CASE No. 40087 of 2024
MADAN
Versus
THE STATE OF MADHYA PRADESH
Appearance:
Shri Arpit Kumar Oswal - Advocate for the applicant.
Shri Jayesh Yadav - Dy. G.A. for the respondent/State.

ORDER

Heard with the aid of case diary.

This is first application filed under Section 439 of Cr.P.C. for grant of bail to the applicant, in connection with FIR/Crime No.212/2024, Date:-(Not mentioned) registered at P.S. - Palasia, District - Indore (M.P.) for commission of offence punishable under Sections 384, 389, 182, 195 and 120-B of the IPC.

2. Prosecution story in brief is that on 13/06/2024 the prosecutrix/co- accused had lodged an FIR bearing crime No.210/2024 offence punishable u/S 328, 376 and 506 of IPC at P/S Palasia, Indore Urban against Sajal Mittal. During investigation of the aforementioned crime, father of Sajal Mittal namely Satish Mittal filed an application on 14/06/2024 stating that the prosecutrix/co-accused has lodged a false report against his son Sajal, wherein Sajal has been arrested. After lodging of the aforesaid FIR, the prosecutrix alongwith her husband and other family members had sent message that they will get Sajal released in return of money. On 14/06/2024, when the complainant went to police station to meet Sajal, the prosecutrix and her husband met him. Both of them told the complainant NEUTRAL CITATION NO. 2024:MPHC-IND:28747 2 MCRC-40087-2024 that he met with them at Palasia Square. Thereafter, he met the complainant and her husband then they demanded Rs.50,00,000/- to get Sajal released. Complainant expressed inability to pay the sum of money. Thereafter, the complainant met Sajal in the Court premises, then he told him that the prosecutrix is blackmailing him, he has not committed the offence and he has been falsely

implicated. Complainant also came to know that the prosecutrix being a lady runs a racket of blackmailing and by this she has gotten several persons into honey trap and has blackmailed all of them. She has had done 7 - 8 marriages, wherein after the marriage she used to flee away from there after taking gifts because of which she is also known as 'Luteri Dulhan'. It was also submitted that father of Sajal namely Satish Mittal filed a written complaint before Police Station - Palasia. During enquiry, it was revealed that the present applicant was also involved in the offence. On the basis of aforesaid written complaint, an FIR was lodged on 15/06/2024 against co-accused persons Neeraj, Shubham, Mamta Pawar, Rishi Choudhary and Radhey Pahalwan and present applicant Madan and prosecutrix. On completion of investigation of crime No.210/2024, it was found that the prosecutrix had lodged false FIR against Neeraj and she has attempted extortion against him.

3. Learned counsel for the applicants submits that the applicant has not committed the offence and has falsely been implicated in the case. It is further submitted that the applicant is neither the complainant of the FIR lodged against Sajal nor witness of the aforesaid crime. Therefore, no offence u/s 195 and 389 of IPC prima facie is made out against the applicant. Other offences are punishable up to 3 years of imprisonment. It is also submitted that the applicant is in custody since 19/06/2024. After completion of investigation, charge-sheet has been filed.

NEUTRAL CITATION NO. 2024:MPHC-IND:28747 3 MCRC-40087-2024 Co-accused persons Shubham Singh Rajput and Neeraj have been granted bail by this Court vide order dated 28.08.2024 passed in MCRCs No.29339/2024 and 29341/2024. Case of the present applicant is identical to the co-accused persons. Trial will take considerable long time for its disposal, therefore, it is prayed that the applicant be released on bail.

4. On other hand learned counsel for the state/non-applicant has opposed the prayer and prayed for rejection of the application.

5. Having considered the rival contentions of the learned counsels for the parties, perused the case diary, also looking to the aforesaid facts and circumstances of the case and allegations made against the applicant, this Court is of considered view that this is a fit case to grant bail to the applicant. Hence, without expressing any opinion on merit of the case, these application is allowed.

6. It is directed that the applicant - MADAN be released on bail upon his furnishing personal bond in the sum of Rs.50,000/- (Rupees Fifty Thousand only) with separate surety in the like amount to the satisfaction of the concerned trial Court for his appearance before the trial Court on all such dates as may be fixed in this behalf by the trial Court during pendency of the trial. It is further directed that applicant shall comply with the provisions of Section 437(3) of Criminal Procedure Code, 1973.

7. M.Cr.C. stands disposed of, accordingly.

C.c. as per rules.

(PRAKASH CHANDRA GUPTA) JUDGE Shrut i NEUTRAL CITATION NO.
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