

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

BEFORE

HON'BLE SHRI JUSTICE ANIL VERMA

ON THE 15th OF DECEMBER, 2023

MISC. CRIMINAL CASE No. 40105 of 2023

BETWEEN:-

**ADNAN MANSURI S/O ASHRAF HUSSAIN, AGED ABOUT
18 YEARS, OCCUPATION: STUDENT R/O 1-1
CHANDRASHEKHAR AZAD MARG UJJAIN (MADHYA
PRADESH)**

.....APPLICANT

(SHRI VIVEK SINGH, ADVOCATE)

AND

**THE STATE OF MADHYA PRADESH STATION HOUSE
OFFICER THROUGH POLICE STATION KHARAKUA
DISTT. UJJAIN (MADHYA PRADESH)**

.....RESPONDENTS

(SMT. VARSHA SINGH THAKUR, GOVT. ADVOCATE)

*This application coming on for admission this day, the court passed the
following:*

ORDER

Sub - Inspector Liban Kujor, Investigating Officer Police Station Kharakuwan, District Ujjain- present in person alongwith the case diary.

Applicant has filed this first bail application under Section 439 of the Code of Criminal Procedure, 1973. He is in jail since 17.07.2023 in connection with Crime No.95/2023 registered at P.S. - Kharakuwan, Ujjain (M.P.) for commission of offence punishable under Sections 295-A, 153-A, 296, 505 and 34 of IPC.

As per the prosecution story, on 17.07.2023 at about 6:30 in the evening

a procession of Mahakal was going on which the complainant and his friends came to visit the procession. When the procession came near Tanki Square some unknown boys were at the terrace of the building which was on the way of procession and started spitting on the procession vehicle. Upon which the police on complainant's complaint a case registered at P.S. Kharakuwan at Crime No. 95/2023 against the applicant for the aforesaid sections.

Learned counsel for the applicant contended that applicant is innocent and he has been falsely implicated in this matter. He is in custody since 17.07.2023. Investigation is over and charge sheet has been filed. Complainant Sawan Lot PW-1 and eye witness Ajay Khatri (PW-2) have been examined before the trial Court and they both have turned hostile and not supported the case of the prosecution. Applicant is a permanent resident of District- Ujjain and final conclusion of the trial is likely to take sufficient long time. Under the above circumstances, prayer for grant of bail may be considered on such terms and conditions, as this Court deems fit and proper.

Per-contra, learned GA for respondent/State opposes the bail application and prays for its rejection by submitting that the applicant has been identified in the CCTV footage and this is a serious case relating to the communal harmony, therefore, he does not deserve for bail.

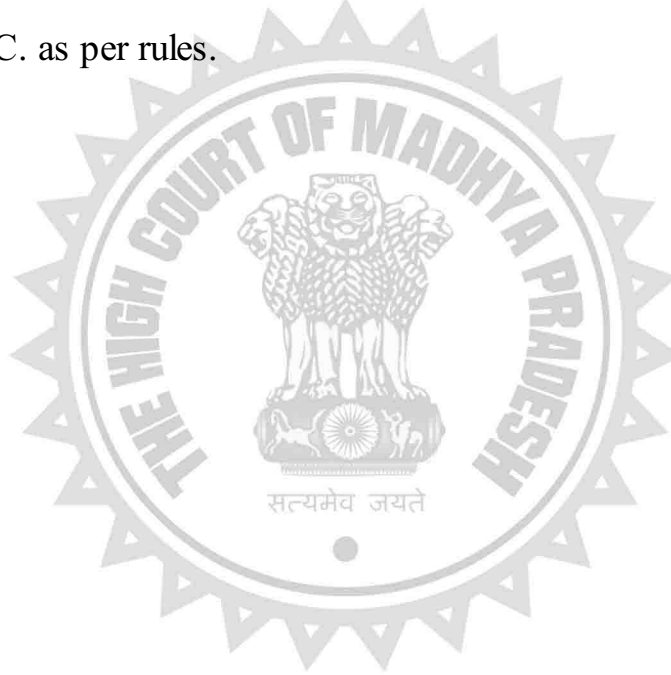
Considering all the facts and circumstances of the case, arguments advanced by counsel for the parties, nature and gravity of allegation as also taking note of the fact that complainant Sawan has been examined before the trial Court but he has turned hostile and did not support the case of prosecution and even he has also denied his relevant portion of his FIR (Ex. P-1), eye-witness Ajay Khatri also turned hostile and not supported the case of the prosecution. No T.I. parade has been conducted by the investigating officer,

investigation is over and charge sheet has been filed, applicant is not having any criminal background, in view of the above, I deem it proper to release the applicant on bail.

Accordingly, without commenting on the merits of the case, the application is allowed. It is directed that the applicant be released on bail upon his furnishing a personal bond in the sum of Rs.75,000/- with one solvent surety in the like amount to the satisfaction of the trial Court for his appearance before the trial Court, as and when required. He shall abide by the conditions enumerated u/S. 437(3) Cr.P.C.

C.C. as per rules.

Vatan



**(ANIL VERMA)
JUDGE**