

The High Court Of Madhya Pradesh

MCRC-4562-2021

(ADWIN ANTHONY Vs THE STATE OF MADHYA PRADESH)

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Indore, Dated : 12-02-2021

Shri Jitendra Bajpai, learned counsel for the applicant.

Shri A. Sisodiya, learned Public Prosecutor for the respondent-State.

Shri Rajesh Joshi, learned counsel for the objector.

Heard through Video Conferencing.

This is first application under Section 439 of Cr.P.C. The applicant is in custody since 01/01/2021 in connection with Crime No.02/2021 registered at Police Station Tukoganj, Indore for the offence punishable under Sections 298, 269, 295-A, 188 and 34 of IPC.

Shri Bajpai, learned counsel for the applicant submits that the Hon'ble Supreme Court on 05/02/2021 while issuing notice in **Writ Petition (s) (criminal) No(s). 62/2021 and SLP (cri.) No. 1045 of 2021 (Munawar Vs. The State of Madhya Pradesh & others)** has granted ad-interim bail to the main accused Munawar Faruqui in Crime Case No.02/2021. Therefore, he prays that present applicant, who is accused in the same case may also be extended the benefit of bail on the ground of parity.

Shri Sisodia, learned Public Prosecutor for the State and Shri Joshi, learned counsel for the objector submit that in the case of present applicant and in the case of other accused persons, the provisions of Section 41 of Cr.P.C., were complied with at the time of arrest and also at the time of their production before the Magistrate seeking police remand for further investigation, as evident from the order dated 02/01/2021 passed by the Magistrate First Class, Indore in the same crime number.

The applicant is held entitled for temporary bail maintaining parity in the light of the order dated 05/02/2021 passed by the Hon'ble Supreme Court in **Writ Petition (s) (criminal) No(s). 62/2021 and SLP (cri.) No. 1045 of 2021 (supra)**. Accordingly, applicant is hereby enlarged on temporary bail

on the conditions to the satisfaction of the trial Court with further condition that applicant shall not indulge himself into any such activity subversive to public order.

List the case **after six weeks.**

(ROHIT ARYA)
JUDGE

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