

The High Court Of Madhya Pradesh

MCRC-13971-2020

(SAJID KAREEM AND OTHERS Vs THE STATE OF MADHYA PRADESH)

Jabalpur, Dated : 26-05-2020

This matter is taken up through Video Conferencing.

Shri Ankit Saxena, learend counsel for the applicants.

Shri Piyush Jain, learned Panel Lawyer for the respondent/State.

With the consent finally heard.

This is first application by applicants under Section 439 of Cr.P.C. They are facing trial for committing offence under sections 188, 269, 270 of I.P.C., Section 51 of National Disaster Management Act 2005, Section 13 & 14 of Foreigners Act, 1946.

Learned counsel for the applicant advanced singular contention. He submits that applicants are facing trial arising out of Crime No.166/2020. Arising out of same crime number and for allegedly committing similar offence, Fahad Ahmad and Hafiz Mohammad were granted bail in Case No.1053/2020 by Court below on 30.04.2020. The another Bench declined the bail to similarly situated applicants by order dated 17.05.2020. The present applicants are similarly situated qua Fahad Ahmad and Hafiz Mohammad who were granted bail.

Learned Panel Lawyer for the respondent/State although did not dispute that present applicants are similarly situated and their Criminal Case is arising out of same crime number, opposed the bail application.

I have heard the parties at length.

If this is not in dispute that present applicants are similarly situated qua Fahad Ahmad and another and their cases are arising out of same crime number, there is no justification in putting the present applicants to a comparatively disadvantageous position. Resultantly, I deem it proper to grant bail to the applicants on the same conditions on which bail was granted by Court below in the case of Fahad Ahmad (supra). Accordingly, this application is allowed by granting bail to the applicants which are applicable

in Fahad Ahmad (supra). Needless to emphasize that if condition No.1 of bail Order passed by Court below is already set aside by this Court, that condition became nonest and cannot be pressed into service for the present application.

The application is **allowed**.

(SUJOY PAUL)
JUDGE

AT

