

HIGH COURT OF MADHYA PRADESH : BENCH AT INDORE

M.Cr.C. No.35685 of 2020

Farukh Khan and Aman Mansuri Vs. State of M.P.

Indore, Dated:- 25/09/2020

Heard through Video Conferencing.

Shri Ajay Bagadiya, learned Counsel for the petitioner.

Shri Vismit Panot, learned Panel Lawyer for the respondent/State.

Crime No.	Under Section	Police Station
525/2020	153-A (1)(b) IPC	Industrial Area Dewas

Heard with the aid of case diary.

ORDER

1. As declared by the petitioner, this is the first application under section 439 of the Cr.P.C.
2. The sole allegation against the petitioners, who are uncle and nephew, is that they unfurl the Pakistani flag at their house.
3. It is submitted that the flag unfurled by the petitioners is actually is a religious symbol usually being unfurled at the religious occasions like *Moharram*. It is pointed out that the colour shades of both the Pakistani National flag and the flag unfurled by the petitioner are substantially different and also the position and orientation of the crescent moon and the star in the flag unfurled are totally different from the one depicted in the Pakistani national flag. B/W photograph of unfurled Pakistani flag has been annexed with the petition. A colour photograph is mailed on the e-mail i.d. of this Court.
4. After going through both the flags and the allegation made against the petitioner, coupled with the period of custody, I deem it appropriate to allow the application, therefore, overruling the objection of the State that the petitioner **No.1 Farukh** has one criminal case registered against him and petitioner **No.2 Aman**

HIGH COURT OF MADHYA PRADESH : BENCH AT INDORE
M.Cr.C. No.35685 of 2020
Farukh Khan and Aman Mansuri Vs. State of M.P.

has three criminal cases registered against him, the petition stands **allowed**, as a satisfactory explanation has been given by the learned counsel for the petitioner that out of three cases of Aman one case is only an incident of an accident and other two cases have been registered along with his uncle in a property dispute within the family.

5. It is directed that the petitioners **(1) Farukh Khan S/o Idu Khan Mansuriv and (2) Aman S/o Faku Khan Mansuri** be released from custody on their furnishing a personal bond in the sum of **Rs.30,000/- (Rupees Thirty Thousand Only)** each with **one** solvent surety each to the satisfaction of the Trial Court for their appearance before the Trial Court as and when required further subject to the following conditions :-

- (i) The petitioners shall co-operate with the trial and shall not seek unnecessary adjournments on frivolous grounds to protract the trial.;
- (ii) The petitioners shall not directly or indirectly allure or make any inducement, threat or promise to the prosecution witnesses, so as to dissuade him from disclosing truth before the Court;
- (iii) The petitioners shall not commit any offence or involve in any criminal activity;
- (iv) In case of their involvement in any other criminal activity or breach of any other aforesaid conditions, the bail granted in this case may also be cancelled.

6. Learned counsel for the petitioners submitted that the petitioners have voluntarily made a promise that it would be a proud for them to unfurl the Indian flag at their house always or

HIGH COURT OF MADHYA PRADESH : BENCH AT INDORE

M.Cr.C. No.35685 of 2020

Farukh Khan and Aman Mansuri Vs. State of M.P.

particularly on the auspicious occasions.

7. This Court appreciates the sentiments and the solicitude of the petitioners towards their motherland.

(Virender Singh)
Judge

sourabh

Digitally signed by
SOURABH YADAV
Date: 2020.09.26
13:54:48 +05'30'