

THE HIGH COURT OF MADHYA PRADESH

M.Cr.C. No.28323/2021

(Vijay Singh Yadav Vs. State of M.P.)

Indore, Dated:14/06/2021

Heard through video conferencing.

Shri K.K. Gupta, learned counsel for the applicant.

Shri Kushagra Jain, learned Panel Lawyer for the respondent / State of Madhya Pradesh.

They are heard. Perused the case diary / challan papers.

This is the **second** application under Section 439 of Criminal Procedure Code, 1973, as he / she is implicated in connection with Crime No.101/2021 registered at Police Station Station Road, District Ratlam (MP) for offence punishable under Sections 420, 467, 468, 469, 354(Gha), 509, 109 and 34 of the Indian Penal Code, 1860 and Section 76 and 41 of the Information Technology Act, 2000. His earlier bail application M.Cr.C. No.11991/2021 was dismissed by this Court on 27/04/2021 as withdrawn. The applicant is in custody since 09/02/2021.

The case of the prosecution is that the applicant happens to be an Advocate and he sent certain greetings to a presiding Judge posted at Ratlam which was found to be not in a good taste. Hence, a complaint was filed by Mahendra Singh Chouhan, System Officer of the concerned Court where the lady Judge was presiding. It is alleged that the applicant took out a photograph of the lady Judge from her Facebook account and pasted it on his message on his birthday card sent to the presiding Judge.

Counsel for the applicant has submitted that the charge sheet in the present case has already been filed, the applicant is in jail since 09/02/2021 and the final conclusion of the trial is likely to take sufficient long time on account of fresh spread of COVID-19. It is further submitted that the applicant is an Advocate and there are no criminal antecedents against him and he tenders his unconditional apology and he has also undertaken that the applicant would never try to approach the concerned Judge and would not practice in her Court in future. Hence, it is submitted that the bail application be allowed and he be released on bail.

Counsel for the respondent / State, on the other hand has opposed the prayer and it is submitted that looking to the conduct of the applicant, no case for grant of bail is made out.

Having considered the rival submissions, on perusal of the case diary including the messages sent by the applicant, this Court is of the considered opinion that since the charge sheet has already been filed, the applicant is in jail since 09/02/2021, he has also tendered his unconditional apology and the final conclusion of the trial is likely to take sufficient long time due to fresh spread of COVID-19, in the considered opinion of this Court, the applicant's application deserves to be allowed.

Accordingly, without commenting on the merits of the case, the application filed by the applicant is **allowed** subject to the condition that if it is found that the applicant in any manner directly or indirectly tried to approach the concerned Judge (the victim herein) and tries to stalk her in

any manner, this order shall stand cancelled without further reference to the Court and the police shall be entitled to arrest the applicant in the present case.

With the aforesaid, the applicant is directed to be released on bail upon furnishing a personal bond in the sum of **Rs.50,000/- (rupees fifty thousand)** with one solvent surety of the like amount to the satisfaction of the trial Court for his/her regular appearance before the trial Court during trial with a condition that he / she shall remain present before the court concerned during trial and shall also abide by the conditions enumerated under Section 437 (3) Criminal Procedure Code, 1973.

It is also observed that if the applicant is found in any of the criminal activities, after his / her release on bail, then the present bail order shall stand cancelled without further reference to this Court; and the State / prosecution will be free to arrest the accused in the present case also.

This order shall be effective till the end of the trial, however, in case of bail jump, it shall become ineffective.

Certified copy as per rules.

(Subodh Abhyankar)
Judge

krjoshi