

(2021) 07 MP CK 0012

Madhya Pradesh High Court (Indore Bench)

Case No: Miscellaneous Criminal Case No.30266 Of 2021

Jignesh Soni

APPELLANT

Vs

State Of Madhya
Pradesh

RESPONDENT

Date of Decision: July 1, 2021

Acts Referred:

- Code Of Criminal Procedure, 1973 - Section 161, 173(8), 437(3), 439
- Indian Penal Code, 1860 - Section 34, 120B, 201, 346, 370(2), 370(3), 370(a)(2)
- Prevention Of Cruelty To Animals Act, 1960 - Section 3, 4, 6, 7
- Madhya Pradesh Excise Act, 1915 - Section 22, 38

Hon'ble Judges: Shilendra Shukla, J

Bench: Single Bench

Advocate: S.K. Vyas, Aniruddha Gokhale, Archana Kher

Final Decision: Allowed

Judgement

Shailendra Shukla, J

Submissions were made on bail application filed under Section 439 of Cr.P.C. The applicant is being implicated in crime No.496/2019, registered at

police station Palasia, Indore, for the offence punishable under Sections 370(2), 370(3), 370(a)(2), 346, 201, 120-B, 34 of IPC, under Sections 3,4,6,7 of

PETA and under Section 22/38 of M.P. Excise Act.

The prosecution story is that a hotel called My Home was raided pursuant to the information received that the aforesaid My Home was used for

trafficking and sexually exploiting inmates therein and on raiding as many as 67 girls were recovered from the aforesaid premises. The present

applicant is the son of one of the Directors of My Home. He had been implicated as an accused and has been involved in the goings on in the aforesaid premises.

Learned Senior counsel for the applicant submits that co-accused namely Amit Soni standing on the similar footing has been granted bail vide order

dated 11.11.2020 and the case of the present applicant is not different that of co-accused Amit Soni. It is submitted that the present applicant was not

involved in day to day affairs of My Home and he has been made an accused just because he is closely related to main accused in this matter.

Learned Dy. A.G. for the State was heard who has mentioned the names of the witnesses such as Kukumani Rao, Madhuri Vishwas, Ayesha,

Poornima Das, Taniya @ Sushmita. Learned Dy. A.G. for the State has specifically drawn Court's attention to the statements of Kukumani Rao who

has stated that the present applicant was also involved in making her and other inmates perform obscene dances. She has also pointed out that

applicant is absconder and only apprehended in the month of April 2021 and case is of serious nature and prays for rejection of the bail application.

Learned Senior counsel for the applicant in reply has drawn Court's attention to 164 Cr.P.C statements of Kukumain Rao, which is placed on record

in which she has not mentioned a word against the applicant and submits that such statements made before the Court have a greater evidential value

as compared to the statement recorded under Section 161 of Cr.P.C. He further submits that even after arrest no memorandum or any kind of seizure

has been made from the applicant, that on parity basis with co-accused Amit Soni, the present applicant be also granted bail.

Considered.

It appears that after filing of charge sheet additional evidence was carried under Section 173(8) of Cr.P.C and charge sheet in respect of such

additional investigation has also been filed. The applicant is in jail since 2.4.2021.

In view of the submissions mainly those made by learned Senior counsel for the applicant, the case is made out for grant of bail. Without expressing

any opinion on merits of the case, the bail application filed on behalf of the applicant is allowed and it is directed that upon applicant's furnishing a

personal bond to the tune of Rs.50,000/- with one local solvent surety in the like amount to the satisfaction of the trial court, the applicant shall be

released on bail, for his regular appearance before the concerned trial court on all the dates, as may be fixed in this behalf by the said Court, till the

completion of trial and he shall also abide by the conditions enumerated under section 437(3) Cr.P.C.

It is made clear that after being so released on bail, the applicant shall not try to influence any of the witness and he shall surrender his passport before

the trial Court. He shall not leave India without prior permission of the Court.

A copy of this order be sent to the concerned trial court for its compliance.

The bail application stands allowed and disposed of in the aforesaid terms.

C.c. as per rules.