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MCRC-25082-2024

IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE DINESH KUMAR PALIWAL

ON THE 15th OF OCTOBER, 2024MISC. CRIMINAL CASE No. 25082 of 2024*FAIZAL @ FAIZAN**Versus**THE STATE OF MADHYA PRADESH*

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Appearance:

Shri Hakim Khan - Advocate for the applicant.

Shri C. K. Mishra - Govt. Advocate for respondent/ State.

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ORDER

This is first application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail relating to FIR No.184/2024, dated 17.05.2024, registered at Police Station - Misrod, District Bhopal (M.P.) for commission of offence under Section 153B of IPC. Applicant is in detention since 17.5.2024.

2 . As per the prosecution case, applicant by shouting slogan of "*Pakistan Jindabad Hindustan Murdabad*" attempted to promote enmity between different groups and his act amounts prejudicial to maintenance of harmony and national integration. After investigation charge sheet has been filed.

3. Learned counsel for the applicant has submitted that applicant has not committed any offence. He is innocent. He has been falsely implicated. However, learned counsel has fairly stated that in the video, applicant is seen



shouting slogan "*Pakistan Jindabad India Murdabad*". It is submitted that offence is triable by JMFC with a maximum sentence of three years.

Therefore, it is prayed that applicant may be released on bail by imposing some stringent conditions.

4 . On the other hand, learned counsel for the State has opposed the prayer for grant of bail and has submitted that applicant is a habitual offender and 14 criminal cases are registered against him. He is openly shouting the slogans against the country in which he is born and brought up. If he is not happy and satisfied in this nation, he may opt to live in the country of his choice for which he raised slogan of "jindabad". On the aforesaid pretext, grant of bail is opposed.

5 . Undoubtedly, applicant has criminal background of 13 criminal cases and in video he is seen shouting slogan as aforementioned. However, taking into consideration all the facts and circumstances of the case, but without expressing anything on the merits of the case, I am of the view that applicant may be released on bail by imposing some conditions which may enthuse in him the sense of responsibility and a pride for the country in which he is born and living.

6. It is directed that **applicant - Faizal @ Faizan** be released on bail on his furnishing a personal bond in the sum of **Rs.50,000/- (Rupees Fifty Thousand only)** with one solvent surety in the like amount to the satisfaction of the trial Court, for his regular appearance before the trial Court during trial. It is further directed that he shall continuously mark his presence



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before Police Station Misrod, Bhopal between 10 A.M. to 12 'O'Clock of the day on every 1st and 4th Tuesday of month till final conclusion of trial and shall salute the National Flag unfurled on the building of police station 21 (twenty one) time raising slogan "Bharat Mata ki Jai". Aforesaid condition has to be necessarily incorporated in bail papers. He shall also abide by all the conditions enumerated under Section 437(3) of Cr.P.C.

7. This bail order shall be effective till the end of the trial. However, in case of bail jump and breach of any of the aforesaid conditions of bail, it shall become ineffective.

A copy of this order be sent to Police Commissioner, Bhopal to ensure compliance of the aforesaid condition about national flag and slogan "Bharat Mata Ki Jai".

(DINESH KUMAR PALIWAL)
JUDGE

mrs. mishra