

IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR

BEFORE

HON'BLE SMT. JUSTICE NANDITA DUBEY

ON THE 6th OF JANUARY, 2023

MISC. CRIMINAL CASE No. 61985 of 2022

BETWEEN:-

SURENDRA KUMAR JAIN S/O SHRI PANCHAMLAL JAIN,
A/a 50 YEARS, R/O AZADPURA GANDHINAGAR
LALITPUR (UTTAR PRADESH)

.....APPLICANT

(BY SHRI MRIGENDRA SINGH - SR. ADVOCATE WITH SHRI RISHABH
SINGH - ADVOCATE)

AND

THE STATE OF MADHYA PRADESH THROUGH P.S.
KOTWALI DISTRICT SAGAR M.P. (MADHYA PRADESH)

.....RESPONDENTS

(BY SHRI AMIT SHARMA - GOVT. ADVOCATE)

(OBJECTOR BY SHRI GREESHM JAIN AND SHRI SATYENDRA JAIN -
ADVOCATES)

.....
*This application coming on for admission this day, the Court passed
the following:*

ORDER

This is the first bail application filed under Section 439 of Cr.P.C. by the applicant for grant of bail.

The applicant is under custody since 18.12.2022 in connection with Crime No.394/2022 registered at Police Station-Kotwali, District-Sagar for offence punishable under Section 294-A, 500(1), 295-A, 500, 501, 502 (2) of IPC.

As per prosecution, the applicant has posted typed, undated and

unsigned letters against *jain munis* and sages wherein derogatory and abusive language has been used which has hurt the sentiments of jain community. It is alleged that these letters were typed by one Munnalal Jain, Advocate of Lalitpur, and posted at the instance of Ramesh Gadiya and Ishan Gadiya of Gandhi Gram, Ahmadabad, Gujrat.

Learned senior counsel appearing for the applicant submits that a perusal of the letters which are on record would show that no allegation or derogatory language is used against the jain religion which may hurt the sentiments of the said community. It is stated that in these letters allegations have been made against the individuals, however, these individuals have not filed any case for defamation. He further submits that the applicant was not aware as to what was written in the letters. It is pointed out that as per prosecution itself applicant has only posted the same. There is no allegation that he has written the letters. It is further pointed out that makers of the documents have not been arrested and only the person who has posted such letters has been arrested. Learned senior counsel submits that the applicant is ready to abide by all the terms and conditions as may be imposed, in case bail is granted to him.

Learned counsel for the State as well as objector have vehemently opposed the bail application. It is stated that in the previous years also such letters have been sent making allegations and defaming the *jain munis* and sages which has hurt the sentiments of jain community in general. It is stated that the applicant has been arrested after he was caught in CCTV footage, and from him the letters which he was going to post were also seized. It is further pointed out that the applicant was paid Rs.40,000/-every time he posted the letters, and this has been verified from his account statement. It is further stated that the applicant is the resident of Lalitpur, and in case he is enlarged on bail, there is

apprehension that he may abscond or not cooperate in the investigation. It is prayed that till the investigation is complete, the applicant may not be granted the benefit of bail.

Considered the submissions of learned counsel for the parties and perused the case diary.

Without adverting into the merits of the case, at this stage, when the investigation is still pending, I do not find present to be a fit case for grant of bail. The bail application is **dismissed**. However, the applicant is at liberty to renew his prayer after the charge sheet is filed.

jk



(NANDITA DUBEY)
JUDGE