

HIGH COURT OF MADHYA PRADESH

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M.Cr.C.No.17346/2021

(Bharat Jatav Vs. State of M.P.)

Gwalior Bench:Dated -18/11/2021

Shri Vivek Kumar Vyas, learned counsel for the applicant.

Shri Ankur Modi, learned Additional Advocate General and Shri Kuldeep Singh and Shri PPS Vajeeta, learned PP for respondent/State.

None for respondent No.2 though served.

Shri Rajesh Rajora, Additional Chief Secretary (Home Department), Shri Gopal Shrivastava, Principal Secretary (Law Department) and Shri Anil Gupta, Additional Director General of Police are present in person through video-conferencing.

Heard.

1. As per order dated 14-09-2021, a committee was constituted by this Court under the Chairmanship of Additional Chief Secretary (Home) along with Principal Secretary of Law and Director General of Police as members to look into the matter for taking inputs on best practices from the concerned Universities/Institutions to setup a National Forensic Sciences University in State of Madhya Pradesh. A sub-committee consisting of Director, Forensic Sciences Laboratory, Sagar, Additional Director General Cyber Crime, Additional Advocate General, Gwalior Shri Ankur Mody, Deputy Secretary (Law), Deputy Secretary (Home) and one Senior Professor from Higher

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Education Department/Medical Education Department constituted to visit the State Forensic Sciences University, Gandhi Nagar (and any other Institution of repute) to submit report for establishment of Forensic Sciences University in M.P.

2. In pursuance thereof, sub-committee visited National Forensic Sciences University, Gandhi Nagar, Gujarat and submit its report. Report is detailed and exhaustive and incorporated almost all necessary contours of Concept.
3. It is to be noted that recently the Parliament enacted National Forensic Sciences University Act, 2020 (NFSU Act) by which the Gujarat Forensic Sciences University, Gandhi Nagar has been upgraded as National Forensic Sciences University along with Lok Nayak Jayaprakash Narayan National Institute of Criminology and Forensic Sciences, Delhi and said National Forensic Sciences University is agreed in principle to establish its campus in State of Madhya Pradesh which would be called as National Forensic Sciences University (M.P. Campus) which would include following Schools:
 1. School of Doctoral Studies & Research
 2. School of Forensic Science
 3. School of Medico Legal Studies

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4. School of Cyber Security & Digital Forensics
 5. School of Management Studies.
 6. School of Police Science and Security Studies.
 7. School of Forensic Justice, Law and Policy Studies
 8. School of Pharmacy
 9. School of Engineering & Technology
 10. School of Behavioral Science
 11. School of Forensic Psychology
 12. School of Open Learning
4. Institute conducts following Academic Courses:
1. Doctor of Philosophy
 2. M.Sc. Forensic Science
 3. M.Tech. Cyber Security & Incident Response
 4. M.Sc. Digital Forensics & Information Security
 5. M.Sc. Cyber Security
 6. M.Sc. Forensic Odontology
 7. M.Sc. Multimedia Forensics
 8. M.Sc. Toxicology
 9. M.Sc. Forensic Biotechnology
 10. Online courses = 14
 11. Doctor of Philosophy

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12. M.Pharm. Forensic Pharmacy
 13. M.Sc. Forensic Nanotechnology
 14. M.Sc. Food Technology (Forensic Analysis)
 15. M.Sc. Environmental Forensics/Management
 16. M.Sc. Forensic Chemistry
 17. M.Tech. Civil (Forensic Structural Engineering)
 18. Doctor of Philosophy
 19. M.Phil. Clinical Psychology
 20. M.Phil. Forensic Psychology
 21. M.Sc. Clinical Psychology
 22. M.Sc. Forensic Psychology
 23. M.Sc. Criminology
 24. M.A. Criminology
 25. M.Sc. Neuropsychology
 26. Doctor of Philosophy
 27. MBA Forensic Accounting
 28. MBA Homeland Security
 29. MBA Hospital and Healthcare Management
 30. MBA Cyber Security Management.
- 5.** National Forensic Sciences University conducts D.Sc., Ph.D., M.Phil, Masters Certificate & Diploma, Online Courses.

6. In its report, sub-committee made the recommendations in following terms:

“अतः इस समिति द्वारा राज्य शासन NFSU को 50 एकड़ जमीन व भवन जो हवाई अड्डे के निकट हो, उपलब्ध कराकर मध्यप्रदेश शासन को NFSU कैंपस की स्थापना की जाए। इस आशय का एक EOI (Expression of Interest) पत्र केन्द्र शासन को भेजने की अनुशंसा करती है।”

7. Considering the recommendations and the submission of learned Additional Advocate General duly instructed by Senior Officers present in the hearing (through virtual mode) that if recommendation is approved by this Court, then immediately thereafter appropriate proceedings shall be started.
8. This Court approves and ratifies the recommendations so made by the said sub-committee. It is expected that establishment of National Forensic Sciences University would not only be instrumental in widening of Intellectual Horizon of State of Madhya Pradesh but also open up new avenues for professionals with latest Know How and improved Skill Set.
9. Beside new career opportunities through courses, it is expected that regular training programmes and workshops would be conducted to upgrade the skills of Police Officers, Public

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Prosecutors/Advocates and Judges so that Administration of Justice may improve. It is further expected that different labs of National Forensic Sciences University like DNA, FSL and Ballistic Science Lab would address the long pendency of DNA reports etc. which hamper the pace of criminal trial in Magisterial/Sessions Court.

10. This Court records its appreciation for the positive and prompt attitude displayed by all the stakeholders; including Home Department/Law Department/Police Department/Forensic Sciences Lab Department in realizing the goal with further expectation that for enrichment of Intellectual Wealth, thought would go further for establishment of more Institutes of National Eminence; like National Law University, Virological Institute, Institute of Individual and Behavioral Sciences (like NIMHANS Bengaluru) etc.
11. So far as present case is concerned the applicant is suffering confinement since 21-08-2019 and material prosecution witnesses have been examined including prosecutrix and her parents and they did not support the story of prosecution and declared hostile. Therefore, possibility of tampering with the evidence/witness is remote. Earlier this Court granted interim

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bail to the applicant for 45 days and applicant did not misuse the liberty and surrendered before the trial Court within time. He further undertakes not to be source of embarrassment and harassment to the complainant party in any manner and shall not move in her vicinity in any manner. He also undertakes to abide by all the terms and conditions of guidelines, circulars and directions issued by Central Government, State Government as well as Local Administration regarding measures in respect of COVID-19 Pandemic and maintain hygiene in the vicinity while keeping physical distancing. Further looking to the situation of pandemic, he intends to serve the National/Environmental/Social cause voluntarily, in case bail is granted.

12. Counsel for the State opposed the prayer and prayed for dismissal of bail application.
13. Heard learned counsel for the parties and considered the arguments advanced by them.
14. Considering the submissions, period of custody and the fact that material prosecution witnesses have been examined, this Court intends to allow this bail application. It is hereby directed that the applicant shall be released on bail on his furnishing personal

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bond of **Rs.50,000/- (Rupees Fifty Thousand Only)** with one solvent surety of the like amount to the satisfaction of trial Court.

15. This order will remain operative subject to compliance of the following conditions by the applicant:-

- i- The applicant will comply with all the terms and conditions of the bond executed by him;
- ii. The applicant will cooperate in the investigation/trial, as the case may be;
- iii. The applicant will not indulge himself in extending inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or to the Police Officer, as the case may be;
- iv. The applicant shall not commit an offence similar to the offence of which he is accused;
- v. The applicant will not be a source of embarrassment or harassment to the complainant party in any manner and applicant will not seek unnecessary adjournments during the trial;
- vi. The applicant will not leave India without previous

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permission of the trial Court/Investigating Officer, as the case may be;

vii. Applicant would not be source of embarrassment and harassment to the complainant party in any manner and would not move in their vicinity, otherwise this benefit of bail shall be immediately withdrawn.

16. Application stands allowed and disposed of.

17. Copy of this order be sent to the trial Court for information and necessary compliance.

Certified copy as per rules.

**(Anand Pathak)
Judge**

Anil*