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Misc. Criminal Case No.8376 of 2016.

31.08.2016 :-

Shri M.M.Joshi, learned counsel for the applicant.

Shri Peeyush Jain, learned Deputy Govt. Advocate for the Non-applicant/State.

Heard with the aid of the case-diary.

O R D E R

THIS is **first** bail application under Section 439 of the Code of Criminal Procedure for grant of bail. The applicant is in custody in connection with Crime No.89/2016 registered at Police Station Jeevajiganj, Ujjain for the offence punishable under Section 380 of IPC.

Learned counsel for the applicant submits that the applicant is a permanent resident of Ujjain. He has been falsely implicated in this case. The offence is triable by Magistrate First Class. He is detained since 05.08.2016; whereas the trial will take time to conclude. In such circumstances, he be released on bail.

On the other hand, learned Deputy Govt. Advocate for the Non-applicant/State opposes the prayer on the ground that there is a named FIR against the applicant and

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the stolen property has been recovered from possession of the applicant. He, therefore, prays for dismissal of the application.

I have considered the overall facts and nature of the offence, I am of the view that the applicant has made out a case for granting bail. Thus, the application is **allowed** and it is directed that the applicant be released on bail upon his furnishing a personal bond in the sum of **Rs.25,000-00** [Twenty Five Thousand Rupees] with one solvent surety in the like amount to the satisfaction of the Trial Court for his appearance as and when directed.

The applicant is directed to attend each hearing of his trial before the Trial Court out of which this bail arises. Any default in attendance in Court would result in cancellation of the bail granted by this Court.

Certified copy as per rules.

[Jarat Kumar Jain]
JUDGE

(AKS)