

MCRC No. 10407/2017
Deepa Rajawat v. State of M.P.

27/9/2017

Shri Ajit Singh Bhadoriya, learned counsel, for the applicant.

Shri Rukuvendra S. Ghuraiya, learned Public Prosecutor, for the respondent/State.

Heard arguments.

Perused case diary and material on record.

This is the first bail application filed by the applicant under Section 439 of the CrPC for grant of bail in connection with Crime No. 231/2016 registered at Police Station Mau of Bhind district against him and co-accused Suraj Singh and Kamal Singh for the offences punishable under Sections 392 of the IPC and 11 read with 13 of the MPDVPK Act.

According to the prosecution, on 23/11/2016 complainant Kuldeep Singh Rathore lodged the FIR alleging that in the evening hours of 21/11/2016, he, his mother Surajmukhi and daughter Tanishka were proceeding from Bhind to village Guhisar on his motorcycle. On the way, three unknown persons came on a motorcycle and stopped his motorcycle. They had covered half their faces with scarfs. One of them pointed a firearm at his daughter's temple, and thereafter they robbed a gold chain of his mother, one mobile phone and three thousand rupees in cash from him. In the course of the investigation, the

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Police found that the applicant and the co-accused persons committed the crime.

Learned counsel for the applicant submits that the applicant is in custody since 20/2/2017 and that the charge-sheet had been filed. After referring to the statement of the complainant, he submits that he has stated therein that he could not identify the applicant because the perpetrators of the crime had covered half their faces with scarfs and he could not see their physical appearance as he was in panic because one of them had pointed a firearm at his daughter's temple. He submits that the Police has not recovered any incriminating article from the applicant connecting him with the crime. He submits that the Police has seized only two notes of 100 rupees denomination. He submits that the applicant has no criminal antecedents and that he is a permanent resident of Bhind district. Upon these submissions, he prays for grant of bail to the applicant.

Learned Public Prosecutor opposes the prayer. However, he concedes that as per the case-diary the applicant has no criminal antecedents.

Taking into consideration the facts and circumstances of the case, the submissions raised on behalf of the parties by their counsel and the

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statement of the complainant made at the time of test identification parade and no-seizure of any incriminating article at the instance of the applicant, but without commenting on merits of the case, I am of the opinion that it is a fit case for grant of bail to the applicant. Hence, this application is allowed. It is ordered that applicant **Deepak Rajawat** be released on bail on his furnishing a personal bond in the sum of **Rs.50,000/- (Fifty Thousand)** with one solvent surety of the same amount to the satisfaction of the concerned Court for securing his presence in the course of trial of the case. The applicant shall abide by all the conditions enumerated in Section 437 (3) of CrPC. In case of bail jump, the concerned Court will have power to cancel the applicant's bail.

Certified copy as per rules.

AKS

(Rajendra Mahajan)
Judge