

THE HIGH COURT OF MADHYA PRADESH
MCRC-23683-2017

(HARI CHAND Vs THE STATE OF MADHYA PRADESH)

Jabalpur, Dated : 30-11-2017

Shri RK. Tripathi, learned counsel for the applicants.

Shri YD. Yadav, learned G.A. for the respondent/State.

Heard with the aid of case diary.

This is second bail application under Section 439 Cr.P.C. for grant of bail in connection with Crime No.421/2017 registered at Police Station Waraseoni, District Balaghat for the offence punishable under Sections 379 of IPC.

First bail application was dismissed as withdrawn vide order dated 07/11/2017 passed in M.Cr.C.No.20279/2017.

According to prosecution case on 14/10/2017 Police during search stopped two Dumper bearing registration Nos.MP/22-G/2894 & MP/22-G/2660, which were loaded with sand. When Police enquired regarding pit pass and other relevant documents for transportation of sand, then the applicants could not produced any documents.

Learned counsel for the applicants submits that applicants have not committed any offence and have falsely been implicated in the offence. The trial will take considerable time to conclude. The applicants are in custody since 14/10/2017, hence prayed for release of the applicants on bail.

On the other hand, learned counsel for the respondent/State opposed the prayer and submitted that sufficient evidence is available to connect the applicants with the offence in question.

After hearing learned counsel for the parties, considering the facts and circumstances of the case and the applicants are in custody since 14/10/2017 and conclusion of trial will take time, so without commenting on the merits of the case, the application is allowed and the applicants are directed to be released on bail upon their furnishing personal bond in the

sum of Rs.50,000/- (Rs. Fifty Thousand Only) each with one surety each in the like amount to the satisfaction of the concerned C.J.M/trial Court for their appearance before the trial Court on all such dates as may be fixed in this behalf by the trial Court during the pendency of trial.

This order will remain operative subject to compliance of the following conditions by the applicants :-

1. The applicants will comply with all the terms and conditions of the bond executed by them;
2. The applicants will cooperate in the investigation/trial, as the case may be;
3. The applicants will not indulge themselves in extending inducement, threat or promise to any person acquainted with the fact of the case so as to dissuade him from disclosing such facts to the Court or to the Police Officer, as the case may be;
4. The applicants shall not commit an offence similar to the offence of which they are accused;
5. The applicants will not seek unnecessary adjournments during the trial; and
6. The applicants will not leave India without previous permission of the trial Court/Investigating Officer, as the case may be.

C.c. on payment of usual charges.

(RAJEEV KUMAR DUBEY)
JUDGE

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