

HIGH COURT OF MADHYA PRADESH

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**M.Cr.C. No. 2913/2018**

( *Rakesh Giri Vs. State of M.P.* )

**Indore, dated 31/01/2018**

Shri Akash Rathi, learned counsel for the applicant.

Shri Swapnil Sharma, learned counsel for the respondent/State.

This is the first application under Section 439 Cr.P.C. for grant of bail in connection with Crime No.352/2017, registered at Police Station-Kishprah, District Indore for commission of offence punishable under Sections 407, 409, 420, 272, 120-B of IPC.

As per prosecution case, on 01.11.2017, at about 00.45 a.m, the applicant has been caught on the spot when he was with other co-accused persons taking milk from Tanker bearing registration No.MP 09 HG 8632 unauthorisedly. After that, they were mixing chemicals in the milk.

Learned counsel for the applicant submits that the applicant has not committed any offence and has been falsely implicated in the matter. The allegation made in the F.I.R. and the statements recorded under Section 161 of Cr.P.C. do not attract the implication of the offence under Section Sections 420 and 409 of IPC against the applicant. No recovery has been made out from the applicant. The applicant was working as a labourer and therefore, offence under Section 407 of IPC was also not made out against him. At the most, offence under Section 379 of IPC would be made out against the applicant, which is punishable for a period of three years. The applicant is in custody since 01/11/2017 and he is not required for further interrogation. Investigation is over and the charge-sheet has been filed. The conclusion of the trial is likely to take a long time. Co-accused Jitendra S/o Ravindra Singh has already been granted bail by this

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Court vide order dated 09/01/2018 passed in MCRC no. 28954/2017 and on the ground of parity, learned counsel prays for grant of bail to the applicant.

Learned counsel for the State submits that no sufficient ground is made out for releasing the applicant on bail, hence the application filed by the applicant be dismissed.

Considering the facts and circumstances of the case and the arguments advanced by learned counsel for the applicant, but without commenting on the merits of the case, the application filed by the applicant is allowed. The applicant *Rakesh Giri* is directed to be released on bail on his furnishing a personal bond in the sum of Rs.50,000/- (Rupees Fifty Thousand Only), with one solvent surety of the like amount to the satisfaction of trial Court, for his regular appearance before the trial Court during trial with a condition that he shall remain present before the Court concerned during trial and shall also abide by the conditions enumerated under Section 437 (3) of Cr.P.C.

Certified copy as per rules.

**(S.K. AWASTHI)**

**JUDGE**

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MAHAN  
AG

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