

THE HIGH COURT OF MADHYA PRADESH

M.Cr.C. No. 20253/2018

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Raju Vs. State of M.P.

Indore, dated : 31.05.2018

Shri Anupam Chouhan, learned counsel for the applicant.

Shri Virendra Khadav, learned Govt. Advocate for the respondent, State.

ORDER

This is **first** application under Section 439 Cr.P.C. by applicant – **Raju**, who has been arrested by Police on **10.1.2018** in connection with **Crime No.667/2017, Police Station Badnawar, District Dhar** concerning **offence under Section 302, 201 and 394/34** of the **IPC**.

2. Heard the learned counsel for the parties and perused the case diary.

3. The allegation against the present applicant is that he along with other co-accused persons committed murder of deceased Rahul.

4. Learned counsel for the applicant submits that the applicant has been falsely implicated in the case. Only a silver ring has been recovered from the possession of the present applicant. It is also submitted that the brother of the deceased has stated in his statement that the deceased was wearing golden ring at the time of his death. There is nothing on record to connect the present applicant with the alleged offence. The applicant is in custody since 10.1.2018 and, therefore, he deserves to be released on bail.

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5. Learned Govt. Advocate on the other hand opposed the application for grant of bail and submitted that there is recovery of the silver ring from the possession of the present applicant and he actively participated in the crime as stated by the other co-accused, therefore, applicant is not entitled to the relief of grant of bail and this application be dismissed.

6. Having considered the case-diary and the arguments advanced by the learned counsel for the parties, this Court is of the opinion that this is a fit case for grant of bail.

7. Accordingly, the petition is hereby allowed and it is directed that on furnishing personal bond by the applicant in the sum of **Rs.1,00,000/- (Rupees One Lakh only)**, with one solvent surety in the like amount to the satisfaction of concerned Chief Judicial Magistrate/Judicial Magistrate, First Class, he shall be released on bail, subject to the condition that he shall make himself available to the Police, as and when required during the investigation and will also remain present before the trial Court as and when directed in that behalf.

C.C. as per rules.

(SUBODH ABHYANKAR)
VACATION JUDGE

Alok/-

**Alok
Gargav**

Digitally signed by Alok Gargav
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