

The High Court Of Madhya Pradesh**MCRC No. 51566 of 2021***(KARAN SINGH MONGIA Vs THE STATE OF MADHYA PRADESH)***Gwalior, Dated: 29.10.2021**

Shri Suresh Agrawal, learned counsel for the applicant.

Shri Kaushalendra Singh Tomar, learned Public Prosecutor, for the respondent/State.

Case diary is perused.

This is the **second** bail application u/S.439 Cr.P.C filed by the applicant for grant of bail. First bail application was dismissed as withdrawn vide order dated 27.09.2021 passed in M.Cr.C.no.44819/2021.

The applicant was arrested on 03.07.2021 in connection with Crime No.72/2021 by Police Station Subhashpura, District Shivpuri (MP) for the offence punishable under Sections 392 of IPC read with Section 11/13 of MPDVPK Act.

As per prosecution story, on 05.06.2021 when complainant Ballu Khan along with his wife were going on motorcycle in UPBF 8225 HF Delux Motorcycle to Pipaldi and reached village Bawad about 8.30 to 9 A.M., one person was standing under a tree of Jamun, he stopped them and told that he wants to go to Bairad and took his keys on his motorcycle. When he caught his hands, three persons came there and assaulted him and took his motorcycle. Afterwards, next day, he lodged the report at Police Station Subhashpura, district Shivpuri. Applicant-Karan was apprehended and on his behest. Stolen motor cycle was seized. Further during investigation, on his memorandum, co-accused

Prem Singh was arrested. Number plate of the motorcycle was seized on 25.09.2021. During identification complainant did not identify applicant-accused Karan but identified co-accused Prem Singh. After investigation charge-sheet has been filed.

Application is opposed by the State counsel and prayed for its rejection.

Looking to the aforesaid facts and circumstances of the case, conclusion of trial will take time, without commenting upon the merits of the case, this Court is of the opinion that the application should be allowed and by allowing the application it is ordered that if the applicant furnishes bail bond of **Rs.25,000/- (Rupees twenty five thousand only)** with one solvent surety in the like amount to the satisfaction of the trial Court, he should be released on bail.

He will present during trial before the trial Court on each and every date.

Application stands allowed and disposed of.

Certified copy as per rules.

(Deepak Kumar Agarwal)

Judge

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