

HIGH COURT OF MADHYA PRADESH**M.Cr.C. No.24512/2021**

Rakesh Rathore Vs. State of MP

Indore, Dated:31.05.2021

Heard through video conferencing.

Shri. Himanshu Joshi, learned counsel for applicant.

Shri. Harshwardhan Sharma, learned Panel Lawyer for respondent/State.

With the consent heard finally.

This is the first application filed by the applicant/accused under Section 439 of Cr.P.C for grant of bail in connection with Crime No.18/2021 registered at Police Station, Chhatripura, Indore for the offences registered under Sections 409, 420, 120-B of IPC & Sec.3/7 of Essential Commodities Act.

Learned counsel for applicant submits that applicant has no relation whatsoever with the fair price shop wherein bungling/misappropriation etc. were found. The main accused was salesman Pramod Dahivade who fraudulently mentioned the name of applicant as President of the Society. The applicant has no element of duty or control on the shop. Every thing was managed by aforesaid main accused. The incriminating material/documents are already in possession of prosecution. Applicant is in custody since 30/1/2021. Challan has been filed. Applicant has no criminal record. Custodial interrogation of applicant is no more required. Conclusion of trial in this pandemic era will take time. Hence, applicant may be enlarged on bail.

Prayer is opposed by learned P.L by contending that (i) there are certain documents which indicate that applicant was present at the time panchama was prepared and he put his signature; (ii) challan has been filed; (iii) applicant has no criminal record.

Considering the nature of accusation and aforesaid relevant factors, I deem it proper to enlarge the applicant on bail. Accordingly, it is directed that the applicant **Rakesh Rathore** be released on bail on his furnishing a personal bond for the sum of **Rs.50,000/- (Rupees fifty thousand only)** with a solvent surety in the like amount to the satisfaction of the trial court for securing his presence before the said court regularly on all the dates of hearing fixed in this regard during trial and for complying with the conditions enumerated in sub-section (3) of Section 437 of Cr.P.C.

C.C. as per rules.

(SUJOY PAUL)
Judge

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