

The High Court Of Madhya Pradesh
MCRC No. 50525 of 2021

(AKSHAY@ ROHIT PAVAR Vs THE STATE OF MADHYA PRADESH)

Jabalpur, Dated : 30-11-2021

Ms. Gayatri Ladhiya, counsel for the applicant.

Shri Sourabh Soni, Panel Lawyer for the respondent/State.

This is the first bail application under Section 439 of Cr.P.C filed by the applicant for grant of bail.

The applicant has been arrested on 20.08.2021 by Police Station Civil Line, Sagar (M.P.) in connection with Crime No.150/2021 for the offence punishable under Sections 341, 294 and 394 of the Indian Penal Code.

It is alleged that the applicant along with other co-accused person has looted Rs.5,000/- from the complainant.

It is argued that the applicant has falsely been implicated in the case. He has not committed any offence in any manner. There is only a recovery of Rs.500/- from the applicant and the bullet motorcycle, which itself belongs to him. He is in custody since 20.08.2021. The investigation is over and the charge-sheet has been filed on 01.10.2021. It is submitted that three cases of similar nature registered against the applicant out of which in one case he was granted bail by the trial Court on 22.09.2019 and in other case he was released on bail by this Court on 24.11.2021, in M.Cr.C. No.50519/2021. In view of the aforesaid, he prays for grant of bail.

Per contra, learned counsel appearing for the State has opposed the application stating that there is a recovery of Rs.500/- from the present applicant and a bullet motorcycle, which was used in commission of the offence. The applicant was also identified in the Test Identification Parade. He is also having a criminal history of five cases. He has prayed for dismissal of the application.

Considering the over all facts and circumstances of the case, nature of allegation and the period of custody without commenting upon the merits of the case, this application is allowed. The applicant is directed to be released

on bail on furnishing surety bond of **Rs.50,000/- (Rupees Fifty thousand Only)** with one solvent surety in the like amount to the satisfaction of trial Court.

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

1. The applicant will comply with all the terms and conditions of the bond executed by him;
2. The applicant will cooperate in the investigation/trial, as the case may be;
3. The applicant will not indulge himself in extending inducement, threat or promise to any person acquainted with the facts 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 applicant shall not involve any other offence, in case the applicant indulge in any other criminal case the benefit of bail as extended by this Court shall automatically cancelled.
5. The applicant will not seek unnecessary adjournments during the trial;
6. The applicant will not leave India without previous permission of the trial Court/Investigating Officer, as the case may be.
7. If the applicant is found involved in any case except present one, his bail shall stand rejected without any reference to the court;
8. The applicant will inform the concerned S.H.O. of concerned Police Station about his residential address in the said area and it would be the duty of the Public Prosecutor to send E-copy of this order to SHO of concerned police station as well as Superintendent of Police concerned who shall inform the concerned SHO regarding the same.

Application stands allowed and stands disposed of.

Certified copy as per rules.

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Signature Not Verified
SAN

Digitally signed by TAJAMMUL HUSSAIN
KHAN
Date: 2021.12.01 10:48:24 IST

