

**IN THE HIGH COURT OF MADHYA PRADESH AT INDORE****BEFORE****HON'BLE SHRI JUSTICE SATYENDRA KUMAR SINGH****ON THE 31<sup>st</sup> OF JANUARY, 2022****MISC. CRIMINAL CASE No. 904 of 2022****Between:-****SUNIL S/O SHRI BHUWAN SINGH JI BHIL  
AGED ABOUT 32 YEARS, OCCUPATION:  
LABOURER VILLAGE BAJRAGPURA, TEHSIL  
DEPALPUR (MADHYA PRADESH)****.....PETITIONER****(BY SHRI NILESH MANORE, ADVOCATE)****AND****THE STATE OF MADHYA PRADESH STATION  
HOUSE OFFICER THROUGH P.S. RAU  
(MADHYA PRADESH)****.....RESPONDENTS****(BY SHRI SACHIN JAISWAL, PANEL LAWYER)****(Heard through Video Conferencing)**

*This application coming on for orders this day, Hon'ble Shri Justice Satyendra Kumar Singh passed the following:*

**ORDER**

With the consent, heard finally.

Perused the case diary.

This is second application filed under Section 439 of Cr.P.C for grant of bail to the applicant, as he has been arrested on 27.12.2021 in connection with Crime No.319/2016 registered at Police Station Rau, District Indore (M.P.) for commission of offence punishable under Sections 399 and 402 of IPC along with 25 and 27 of the Arms Act.

Applicant's first application under Section 439 of Cr.P.C. was allowed vide order dated 15.11.2016 passed by this Court in MCRC No.11252/2016 and applicant was enlarged on bail.

Prosecution story, in brief is that on 01.09.2016, the applicant along with other co-accused persons armed with deadly weapons like, knife, country made pistol, sword etc. were found planning for committing dacoity.

Learned counsel for the applicant submits that applicant was earlier enlarged on bail by this Court but during trial on 17.09.2021, he could not appear before the Trial Court due to which non-bailable warrant was issued against him and consequent to which he was arrested and is in custody since 27.12.2021. The applicant was appearing in the matter regularly. On the aforesaid date, he went for work and could not contact his counsel. His absence was bonafide hence, considering his custody period, he be again enlarged on bail.

Learned Panel Lawyer for the non-applicant - State has opposed the application and prays for its rejection.

Having considered the rival submissions, material pointed out by the counsel for the applicant and considering the period of custody of the applicant, this Court is of the view that applicant deserves to be enlarged on bail, hence, without commenting anything on the merits of the case, the application is allowed.

It is directed that the applicant is directed to be released on bail upon his furnishing personal bond in the sum of **Rs.25,000/- (Rupees Twenty five thousand only)** with a solvent surety in the like amount to the satisfaction of the concerned Court for his appearance before the Trial Court on all such dates as may be fixed in this behalf by the Trial Court during the pendency of trial. It is further directed that applicant shall comply with the provisions of Section 437 (3) of Cr. P. C.

In view of the outbreak of 'Corona Virus disease (COVID-19), the concerned Jail Authority is directed to follow the directions/guidelines issued by the Government with regard to COVID-19 before releasing the applicant.

This application is allowed and stands disposed of.

Certified copy, as per Rules.

(SATYENDRA KUMAR SINGH)  
JUDGE

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