

**IN THE HIGH COURT OF MADHYA PRADESH**  
**AT INDORE**

**BEFORE**

**HON'BLE SHRI JUSTICE RAJENDRA KUMAR (VERMA)**

**ON THE 31<sup>st</sup> OF MARCH, 2022**

**MISC. CRIMINAL CASE No. 12723 of 2022**

**Between:-**

**SHANKAR SISODIYA DINESH S/O  
BALIYA, AGED ABOUT 37 YEARS,  
OCCUPATION:LABOUR, R/O  
VILLAGE KOTA, TEHSIL  
KHATEGAON, DISTRICT DHAR-  
(MADHYA PRADESH)**

**.....APPLICANT**

**(BY SHRI AKASH RATHI, ADVOCATE )**

**AND**

**THE STATE OF MADHYA PRADESH  
STATION HOUSE OFFICER  
THROUGH POLICE STATION  
HARANGAON, DISTRICT - DEWAS  
(MADHYA PRADESH)**

**.....NON-APPLICANT/STATE**

**(BY MS. VARSHA THKAUR, LEARNED DY. GOVT. ADVOCATE )**

*This application on for admission/orders this day, the court  
passed the following:*

**ORDER**

Arguments heard. Case diary perused.

This is repeat(second) application under section 439 of Cr.P.C. for grant of bail on behalf of the applicant, who is in custody since 18/02/2020 in connection with Crime No.132/2019 registered at Police Station – Harangaon, District -

Dewas(M.P.), for the offence punishable under sections 394, 397 and 395 of IPC.

His first application – M.Cr.C. No.51860/2021 is dismissed on merits vide order dated 22/11/2021.

According to the prosecution case, the present applicant alongwith co-accused have caused injury to the complainant and it is alleged that the applicant alongwith the co-accused have committed the offence of robbery/dacoity with an attempt to cause death or grievous hurt.

Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in this case. He further submits that after dismissal of the first bail application, the victim/complainant Vinita(PW1) and her husband Gajendra(PW3) have been examined before the trial Court on 11/01/2022 and both of them have neither stated anything against the applicant nor there is any other evidence against the applicant such as identification of the applicant by the complainant or any looted items have been seized from the applicant. It is further submitted that except co-accused Kailash nobody was identified by the aforesaid witnesses PW1 and PW3. The investigation is over and charge-sheet has been filed. The applicant is in custody since 18/02/2020. The conclusion of trial will take sufficient time. On the aforesaid changed circumstances, prayer is made to release the applicant on bail.

Learned Public Prosecutor for the non-applicant/State has opposed the prayer and prayed for its rejection.

Looking to the facts and circumstances of the case, on

a perusal of the material available on record including the case diary, without commenting on the merits of the case, this application is **allowed**.

It is directed that the applicant/accused be released on bail on his furnishing a personal bond in the sum of **Rs.50,000/- (Rupees Fifty Thousand Only)** with one solvent surety in the like amount to the satisfaction of the trial court for securing his presence before the said Court on all the dates of hearing fixed in this regard during trial. It is also directed that the applicant shall comply with the provisions of Section 437(3) Cr.P.C.

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

This order shall remain effective till the end of the trial but in case of bail jump and breach of any of the pre-condition of bail, it shall become ineffective and cancelled without reference to this Bench.

Certified Copy as per rules.

**(Rajendra Kumar (Verma))**  
**Judge**

pn