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

**BEFORE
HON'BLE SHRI JUSTICE PRAKASH CHANDRA GUPTA
ON THE 31st OF OCTOBER, 2023**

MISC. CRIMINAL CASE No. 48843 of 2023

BETWEEN:-

**AMIT S/O THAN SINGH, AGED ABOUT 19 YEARS,
OCCUPATION: FARMER VILL UNNAI TEHSIL
PETLAWAD, DIST. JHABUA (MADHYA PRADESH)**

.....APPLICANT

**(SHRI VIKRAM BHATNAGAR, LEARNED COUNSEL FOR THE
APPLICANT.)**

AND

**THE STATE OF MADHYA PRADESH STATION HOUSE
OFFICER THROUGH POLICE STATION THANDALA,
DISTRICT JHABUA (MADHYA PRADESH)**

.....RESPONDENTS

(SHRI V.S.PANWAR, LEARNED P.L. FOR THE STATE.)

.....
*This application coming on for admission this day, the court passed the
following:*

ORDER

Heard with the aid of case diary.

This is repeat second bail application filed under Section 439 of Cr.P.C. for grant of bail to the applicant, in connection with FIR/Crime No.295/2023, Date:-(Not mentioned) registered at P.S.-Thandala, District- Jhabua (M.P.) for commission of offence punishable under Sections 392 of the IPC.

2. First bail application of the applicant was dismissed as withdrawn vide order dated 03.08.2023 passed in M.Cr.C. No.33908/2023.

3. Prosecution story in brief is that, on 02.05.2023 at around 1:30 p.m.

when complainant Ravindra Rathore was going to village Dedala by motorcycle for collection work. When he was returning back to Paathdi three unknown persons came by motorcycle looted bag containing one tablet, CDS forms, biometric, receipt book, cash Rs.25,000/-. Matter was report by the complainant on the same day against unknown persons. During investigation, alleged tablet, one motorcycle, Black bag which was used in the crime were seized from the possession of the applicant.

4. Learned counsel for the applicant submits that applicant has not committed the offence and has falsely been implicated in the case. After dismissal of first bail application of the applicant four prosecution witnesses namely Ramesh (PW/1), complainant Ravindra Rathore (PW/2), Vishwajeet Singh (PW/3) and Pritipal Singh (PW/4) have been examined before the trial Court. Complainant Ravindra Rathore (PW/2) admitted in paragraph 4 of cross examination that he had already seen photographs of the accused persons on social media (Whatsapp) therefore, allegation of the applicant is not established. It is further submitted that it has not been shown that seized tablet of the applicant is looted property. Applicant has no criminal antecedents. Applicant is in custody since 08.05.2023. Conclusion of the trial will take sufficient long time for its disposal. Under these circumstances, prayer is made for grant of bail to the applicant.

5. On the other hand, learned counsel for the non-applicant/State has opposed the prayer of the applicant and prays for rejection of the application.

6. Having considered the submissions advanced from counsel for the parties, also considering the facts and circumstances, without commenting on the merits of the case, this Court is of the view that applicant deserves to be enlarged on bail. Hence, the application is **allowed**.

7. It is directed that the applicant- **AMIT** be released on bail upon his/her furnishing 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 concerned trial Court for his/her appearance before the trial Court on all such dates as may be fixed in this behalf by the trial Court during pendency of the trial. It is further directed that applicant shall comply with the provisions of Section 437(3) of Criminal Procedure Code, 1973.

8. M.Cr.C. stands disposed of, accordingly.

C.c. as per rules.

ajit



(**PRAKASH CHANDRA GUPTA**)
JUDGE