

THE HIGH COURT OF MADHYA PRADESH
Mcrc.36820/18

(Pankaj Vs. State of M.P.)

Gwalior Dt. 15/11/18

Shri Alok Kumar Sharma, Advocate for the petitioner.

Shri Yogesh Parashar, Public Prosecutor for the State.

Case Diary is perused.

Learned counsel for the rival parties are heard.

The petitioner has filed this first application u/S. 439 Cr.P.C. for grant of bail.

The petitioner has been arrested on 17/8/2018 by Police Station Dabra, District Gwalior, (M.P.) in connection with Crime No. 201/07, registered in relation to the offences punishable u/Ss. 379 IPC and Sec. 136 of the Electricity Act.

Learned Public Prosecutor for the State opposed the application and prayed for its rejection by contending that on the basis of the allegations and the material available on record, no case for grant of bail is made out.

The petitioner is in custody since 17/8/2018 where offence punishable u/S. 136 of the Electricity Act alongwith Sec. 379 IPC is alleged against the petitioner in regard to theft of electric wire. The incident took place in 2007 and the petitioner has been recently arrested on 17/8/2018.

Other co-accused according to learned counsel for the petitioner have since been acquitted and in regard to the petitioner it is submitted that PW-1 Narayan Das and PW-3 Dev Lal have since been examined.

However, State counsel informs that Jitendra Singh and Virendra Singh are the seizure witnesses qua the petitioner who have not been examined yet.

In view of above, it would be appropriate to consider request for bail after examination of the said two seizure witnesses or in case the trial gets further delayed whichever is earlier, since grant of bail at this stage to the petitioner who has been absconding for nearly 11 years would amount to grant of premium to default and further delaying in trial.

Accordingly with the above said liberty, the petition stands dismissed.

(Bu)

(Sheel Nagu)
Judge