

THE HIGH COURT OF MADHYA PRADESH
MCRC No. 59126/2021
(RISHABH SINGH DHAKRE Vs STATE OF MADHYA PRADESH)

Gwalior, Dated : 06/12/2021

Shri Prasun Maheshwari, Counsel for applicant.

Shri R.K. Awasthi, Counsel for State.

Case diary is available.

This is second application filed under Section 439 of Cr.P.C. for grant of bail. The first bail application was allowed by order dated 06.07.2021 passed in M.Cr.C. No.33156/2021.

The applicant has been arrested on 17.06.2021 in connection with Crime No.254/2021 registered by Police Station Purani Chavani Distt. Gwalior for offence punishable under Sections 394, 506, 34 of IPC, Section 11/13 of MPDVPK Act and Section 25/27 of Arms Act.

It is submitted by Counsel for the applicant that according to the prosecution case, the applicant along-with other co-accused persons had snatched a mobile phone as well as motorcycle of the complainant. Earlier, it was represented that nothing has been seized from the possession of applicant, therefore, applicant was granted bail by order dated 06.07.2021 passed in M.Cr.C. No.33156/2021. Later on, while considering the bail application of another co-accused, it was found that in fact a motorcycle of complainant was seized from the possession of applicant. Accordingly, the bail granted to the applicant was canceled by order dated 04.08.2021 passed in M.Cr.C. No.37312/2021. It is submitted that being an obedient person, he

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immediately surrendered before the Trial Court on 09.08.2021 i.e. within five days from the date of cancellation of bail. The applicant was initially arrested on 17.06.2021 and he was granted bail on 06.07.2021. Thus, it is clear that he had remained in jail for more than half month prior to grant of bail application on first occasion and he is in jail for near about last four months after his surrender. Thus, it is clear that he is in jail as an under trial for last four and a half months. The applicant has no criminal history although he has been identified in the Test Identification Parade. It is further submitted that the applicant was never released on temporary parole in the wake of covid-19 pandemic. The trial is likely to take sufficiently long time and there is no possibility of his absconding or tampering with prosecution case.

Per contra, the application is opposed by Counsel for the respondent/State. However, it is fairly conceded that as per case diary, the applicant has no criminal history.

Heard the learned Counsel for the parties.

Considering the facts and circumstances of the case and without commenting on the merits of the case, the application is **allowed**. It is directed that the applicant be released on bail on furnishing a personal bond in the sum of **Rs.1,00,000/- (Rupees One Lac Only)** with one surety in the like amount to the satisfaction of the

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Trial Court/Committal Court to appear before the Court on the dates given by the concerned Court.

This order shall remain effective till the end of the trial but in case of bail jump, it shall become ineffective.

Before releasing the applicant, the Court below shall verify that whether the applicant was ever released on temporary parole in the wake of Covid 19 pandemic or not. If the applicant was released on temporary parole, then this order shall automatically lose its effect and the Court below shall not be under obligation to release the applicant on bail.

In the light of the judgment passed by the Supreme Court in the case of **Aparna Bhat & Ors. vs. State of M.P. passed on 18/3/2021 in Criminal Appeal No.329/2021**, the intimation regarding grant of bail be sent to the complainant.

Certified copy as per rule.

(G.S. Ahluwalia)
Judge

Aman