

1 MCRC-19153-2024
IN THE HIGH COURT OF MADHYA PRADESH
AT GWALIOR
MCRC No. 19153 of 2024

(DHARMENDRA SINGH Vs THE STATE OF MADHYA PRADESH)

Dated : 25-06-2024

Shri Arun Kumar Paterya, learned counsel for the applicant.

Shri Nitin Goyal, learned Panel Lawyer for the respondent/State.

This bail application has been filed under Section 439 of Cr.P.C. on behalf of applicant for grant of regular bail relating to FIR No.130/2024, registered at Police Station Gohad City District Bhind (M.P.) for the offence punishable under Section 454, 380 of IPC.

2. Learned counsel for applicant submits that as per prosecution version, the present applicant and other co-accused persons are stated to be employees of a company carrying out cash management in ATM run by Punjab National Bank. As per prosecution allegations, the applicant and other co-accused persons were given the task of feeding money in the ATM which was duly carried out by them but later on the accused persons are alleged to have taken out the said money by breaking into the said ATM.

3. It is argued by the learned counsel for the applicant that the CCTV footage of the ATM, even as per prosecution version, mentions that a person with masked face entered the ATM with a bag and took out the money. The identity of the said person is in serious doubt. It is further argued that the prosecution has identified the person who broke into the ATM as accused Virendra Sharma, but that is on the basis of memorandum taken from the accused Devendra Singh. Apart from memorandum of accused persons, there is nothing on record with the prosecution to make him accused. It is also argued that from the three accused persons, there is a recovery of Rs.3,30,000/-

out of total stolen amount i.e. 31,99,000/-. However, the said amount was the own money of the accused persons. It is further argued that the present applicant is in custody since 10.04.2024. Investigation is complete and Challan has already been filed therefore, there is no custodial interrogation is required.

4. Per contra, learned Panel Lawyer appearing for the respondent/State opposed the bail application and prayed for dismissal of the application.

5. Heard the counsel for the parties at length and perused the case diary.

6. Considering aforesaid circumstances, bail application filed by the applicant is allowed. It is directed that applicant shall be released on bail on furnishing personal bond in the sum of **Rs.1,00,000/- (Rupees One Lac only) with two solvent sureties of like amount** to the satisfaction of the trial court for his regular appearance before Court on all such dates as may be fixed in this regard.

7. This order shall remain operative subject to compliance of following stringent conditions by the applicant, :-

a. The applicant will comply with all the terms and conditions of the bond executed by him;

b. The applicant will not indulge himself in extending inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to the Police Officer as the case may be;

c. The applicant will cooperate in the trial and he shall not commit an offence similar to the offence of which he is accused;

d. The applicant will not seek unnecessary adjournments during the trial;

e. The applicant will not leave India without previous permission of the

trial Court/Investigating Officer as the case may be;

f. The applicant shall not involve himself in any criminal activity in future otherwise, benefit of bail shall immediately be withdrawn.

g. In case of bail jump, this order shall become ineffective.

8. Application stands **allowed and disposed of**.

9. A copy of this order be sent to the trial Court concerned for compliance and information.

Vishal



(VIVEK JAIN)
JUDGE