

THE HIGH COURT OF MADHYA PRADESH
M.Cr.C. No. 11976/2020
Dinesh S/o. Dhyansingh Bhil. V/s. State of M.P.
-: 1 :-

Indore, dated : 09.07.2020

Applicants by Shri Anurag Vyas, Advocate.

Respondent/State by Ms. Archana Maheshwari, Panel Advocate.

ORDER

This is a **repeat (2nd)** application under Section **439** of **Cr.P.C.** by the applicant – **Dinesh S/o. Dhyansingh Bhil**, who is under arrest since **6.29.2019** in **Crime No.317/2019**, registered at **Police Station Bag, District Dhar** for the offence punishable under **Section 392** and **412** of the **I.P.C.** The earlier application was dismissed as withdrawn on 16.1.2020.

2. Heard the learned counsel for the parties through Video Conferencing and perused the case diary.

3. As per the prosecution story, the complainant – Shriram (P.W.1) has lodged the report that the present applicant has looted cash and jewellery, ATM card, Laptop, etc., hence offence/s u/s. 392 and 412 of the IPC have been registered against the applicant.

4. Learned counsel for the applicant submits that after dismissal of the first application, the prosecution has examined the complainant – Shriram as P.W.1 and and his wife – Sunita as P.W.2 before the Court and both of them have turned hostile and not supported the prosecution story. They also failed to identify the present applicant as well as the stolen articles. The applicant has filed the certified copy of the Court-statement of both the witnesses He, therefore, prays for grant of bail to the applicant.

6. Learned Panel Advocate opposes the bail application and prayed for dismissal of the same.

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M.Cr.C. No. 11976/2020

Dinesh S/o. Dhyansingh Bhil. V/s. State of M.P.

-: 2 :-

7. I have perused the case-diary. From the statement of complainants - P.W.1 and P.W.2 it is apparent that both the witnesses have turned hostile and not supported the prosecution story, therefore, in view of the changed circumstances, the applicant is entitled for grant of bail.

8. Accordingly, the application is hereby allowed. It is directed that on furnishing a personal bond by the applicant in the sum of **Rs.50,000/- (Rupees Fifty Thousand only)**, with one solvent surety in the like amount to the satisfaction of concerned trial Court, he shall be released on bail, subject to the condition that he shall make himself available to the Police, as and when required during the investigation and will also remain present before the trial Court as and when directed in that behalf. Before releasing the applicant from the custody the jail authorities are directed to medically examine him to rule out the possibility of COVID -19 infections and shall comply with the direction given by the Hon'ble Apex Court in Writ Petition No. 1/2020.

C.C. as per rules.

**(VIVEK RUSIA)
JUDGE**

k/-