

HIGH COURT OF MADHYA PRADESH
BENCH AT INDORE
M.Cr.C No.19297/2020
Ayaj Vs. State of MP

Indore Dated:-03/07/2020

Shri Mayank Mishra, learned counsel for the petitioner.

Shri Amit Pal, learned panel lawyer for the respondent/State.

This is the first application under section 439 of the Cr.P.C in crime no.214/2019 under section 356, 379, 411 of the IPC registered at police station Choti Gwalitoli District Indore.

2. It is the case of road robbery, wherein, an apple mobile was snatched from the complainant Rakesh on 23.10.2019 at 21:40 pm, when he was talking while walking, some unknown scoundrel pounced on him from his back and ran away with the mobile. They had come by a black colour pulsar motor cycle. The matter was reported to the police.

3. During investigation, the petitioner was arrested on 25.10.2019 on the basis of disclosure memo of co-accused Yusuf from whose possession the police have recovered stolen mobile. Nothing has been recovered from the petitioner except a motorcycle.

4. Objection of the state is that the petitioner has criminal record. Earlier four criminal cases bearing crime nos.427/2019, 472/2019, 1017/2019, 03/2019 all under sections 356, 379, 411 of the IPC and 41(1)(4), 102 Ja Fo have been registered against him.

5. It is further objected that the motorcycle which was recovered from the possession of the petitioner was having a fake number plate showing registration number MP-09-VR-5669. The original number of the motorcycle was found MP-09-VS-7615. This shows that the petitioner, who is a habitual criminal was using fake number plate for commission of the crime intentionally and consciously, therefore, he is not entitled for bail.

6. At this stage, learned counsel for the petitioner prays for and is permitted to withdraw the petition.

7. Accordingly, the petition is dismissed as withdrawn.

(Virender Singh)
Judge

sourabh