

**THE HIGH COURT OF MADHYA PRADESH, BENCH AT INDORE**

**M.Cr.C. No.26477 of 2020**  
***(Satish vs. State of MP)***

**Indore, dated :15.09.2020**

Shri Amit Bhatia, learned counsel for the applicant is present in person through Video Conferencing.

Shri Kushagra Jain, learned Public Prosecutor for the non-applicant – State is present in person through Video Conferencing.

Heard. Perused the case diary.

This is first application under Section 439 of Cr.P.C. for grant of bail. Applicant – Satish S/o Tulsiram is implicated in Crime No.259/2020 registered at Police Station – Chhatripura, District Indore for the offence punishable under Sections 392 and 398 of IPC and he is in custody since 26.06.2020.

On the last occasion, this Court had been informed that there are as many as ten criminal cases registered against the applicant. However, copy of the antecedent report was found to be blurred and illegible.

Today, learned Public Prosecutor submits that actually there are no criminal antecedents against the applicant and he seeks apology on behalf of the State for making contrary submissions on the earlier date.

The matter involves looting of a motorcycle bearing registration No.MP09 VD 3732.

Learned counsel for the applicant submits that the aforesaid vehicle has not been seized from the applicant. He also submits that no identification parade was carried out by the Investigating

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Officer and charge-sheet has already been filed in this matter and on these grounds, bail has been sought.

Per contra, learned Public Prosecutor for the State has opposed the bail application who submits that as per the report received, identification parade of accused is yet to be conducted and if the applicant is granted bail, then whole exercise would be rendered futile. He further submits that from the possession of applicant, a motorcycle used for committing offence has been seized and its registration number is MP09 VQ 3181.

During the course of submissions, it transpired that charge-sheet has already been filed on 12.08.2020 whereas accused was arrested on 26.06.2020. From the date of filing of charge-sheet on 12.08.2020, it has been more than a month but no identification parade has been carried out.

Learned Public Prosecutor was also asked as to whether any additional investigation/noting has been done under Section 173(8) of Cr.P.C. or not. He replied in negative.

On due consideration of the aforesaid, without commenting upon the merits of the case, this bail application is allowed and it is directed that applicant – **Satish** shall be released on bail subject to his furnishing a personal bond in the sum of **Rs.50,000/- (Rupees Fifty thousand only)** with **one solvent surety** to the satisfaction of the concerned Trial Court/Committal Court for his regular appearance before the Trial Court/Committal Court on all dates of hearing as may be fixed in this behalf by the Court concerned during trial. It is also directed

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that the applicant shall abide by all the conditions enumerated under Section 437(3) of the Cr.P.C.

A copy of this order be sent to the Court concerned for compliance.

M.Cr.C. No.26477/2020 is allowed and stands disposed of.

Certified copy as per rules.

**(Shailendra Shukla)**  
**Judge**

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