

HIGH COURT OF MADHYA PRADESH,
BENCH AT INDORE
MCRC NO.31106/2020

Sikandar @ Saddu s/o Jabbar Sheikh vs. State of M.P

25.09.2020: (INDORE):

Shri R.K.Gupta, learned counsel for the applicant.

Shri Gaurav Singh Chauhan, learned Panel Advocate for the respondent/State.

Heard learned counsel for the parties through video conferencing.

This is first application filed under section 439 Cr.P.C seeking bail in connection with Crime No.299/2019 registered at police station Lasudiya, district Indore for the offence punishable under section 457 & 380 of the IPC.

As per the prosecution story on 14.03.2019 complainant Daya Shankar Tiwari made a complaint in the police station that in the intervening night between 14 & 13.03.2019 some unknown thieves committed theft in his house by breaking the channel gate and took away various gold jewelries and cash of Rs.75,000/-. After registration of the FIR during investigation police arrested Yusuf Lala, Anis @ Kala, Alka w/o Ashok, Imran @ Ibrahim and the present applicant. The investigation is complete and Challan was filed on 17.10.2019 against all the accused persons.

Learned counsel for the applicant submits that the present applicant has been made accused based on the statement of accused Yusuf Lala. The police recorded

applicant's statement under section 27 of the Evidence Act on 10.12.2019 but on the basis of this statement there was no recovery from him. However, a second statement was recorded on 12.12.2019 and on the basis of his disclosure gold ornaments and other articles were recovered from the house of his father-in-law viz. Shakil. So far his criminal antecedents are concerned, two more criminal cases are registered against him in which he has been granted bail by the Sessions Court itself. He further submits that applicant is in custody since 12.12.2019 and there is no progress in the trial due to Covid-19 epidemic, hence prays for grant of bail.

Learned Panel Advocate opposes the bail application by submitting that the gold ornaments which were recovered on the disclosure statement of the applicant were duly identified by the complainant. The applications for bail of co-accused have been rejected by this Court vide MCRC No.12839/2020.

Heard learned counsel for the parties and perused the case diary.

On perusal of the case diary it appears that the case of the applicant is different from other co-accused as he has been made accused on the basis of the statement recorded under section 27 of the Evidence Act.

Considering the facts and circumstances of the case, the arguments advanced by learned counsel for the applicant and the period of custody of the applicant, without commenting on the merits of the case, the application filed

by the applicant is allowed with the condition of future good conduct. He is directed to be released on bail on his furnishing a personal bond in the sum of Rs.1,00,000/- (Rupees One Lakh) with one solvent surety of the like amount to the satisfaction of the trial Court for his regular appearance before the trial Court during trial with a condition that he shall remain present before the Court concerned during trial and shall also abide by the conditions enumerated under section 437(3) Cr.P.C. It is made clear that if the applicant is found involved in any criminal case of the same nature during this bail period, this order granting bail shall be liable to be cancelled.

Before releasing the applicant from the custody the jail authorities are directed to medically examine him in order 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

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