

**THE HIGH COURT OF MADHYA PRADESH**

**M.Cr.C. No.42944/2020**

*Pritesh S/o Mania Katara, Pritesh S/o Nahtiya Katara and Rajesh S/o Tansingh Katara V/s. State of M.P.*

**-: 1 :-**

**Indore, dated : 25.11.2020**

Shri Yashpal Rathore, learned counsel for the applicant.

Respondent/State by Shri Soumil Ekadi, Panel Lawyer.

**ORDER**

This is **First** application filed under Section 439 Cr.P.C. by applicants – **Pritesh S/o Mania Katara, Pritesh S/o Nahtiya Katara and Rajesh S/o Tansingh Katara**, who have been arrested by Police on **10.07.2020** in **Crime No.139/2020, Police Station Kakanwani, District Jhabua** concerning **offence under Section 392 of the IPC**.

2. Heard learned counsel for the parties through video conferencing and perused the case diary.

3. As per prosecution story, on 07.07.2020, near Gram Awasiya Kelkua applicants and one other accused Badru said to have looted Rs.27,600/- of complainant Rizwan. After arresting them Police has recovered articles as well as Rs.6,000/- each from all the applicants.

4. Learned counsel for the applicants submits that the applicants have not committed any offence. They were already in Police custody in connection with Crime No.140/2020 registered under Section 34 of the Excise Act and except Section 34 of the Excise Act they have no criminal antecedents. In the aforesaid Excise Act they have been released on bail vide order dated 10.11.2020 passed in M.Cr.C. No.44274/2020. They all

**THE HIGH COURT OF MADHYA PRADESH**

**M.Cr.C. No.42944/2020**

*Pritesh S/o Mania Katara, Pritesh S/o Nahtiya Katara and Rajesh S/o Tansingh Katara V/s. State of M.P.*

**-: 2 :-**

are illiterate persons and labour and have been falsely implicated in this case. Investigation is complete and recovery has been made from them. They are in jail since 10.07.2020. There is no likelihood of early conclusion of the trial. He, therefore, prays for grant of bail to the applicants.

5. On the other hand, learned Panel Lawyer opposes the prayer for grant of bail.

6. Taking into consideration the aforesaid facts, without further commenting on the merits of the case, application is **allowed with a strict condition that they will maintain good conduct and in case they are found involved in any other case in future then this bail order shall be treated as cancelled and they will remain in jail till conclusion of the trial.** It is directed that on furnishing a personal bond by the applicants in the sum of **Rs.40,000/- (Rupees Forty Thousand Only) each**, with **one solvent surety each** in the like amount to the satisfaction of concerned trial Court, they shall be released on bail, subject to the condition that they shall make themselves 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. It is also directed that the applicants shall abide by all the conditions enumerated under Section 437 (3) of the Cr.P.C.

7. By way of abundant caution, it is further directed that they shall also mark their presence in the concerned Police Station on the **First Monday** of every month between 10.00

**THE HIGH COURT OF MADHYA PRADESH**

**M.Cr.C. No.42944/2020**

*Pritesh S/o Mania Katara, Pritesh S/o Nahtiya Katara and Rajesh S/o Tansingh Katara V/s. State of M.P.*

**-: 3 :-**

a.m. to 12.00 noon till resumption of physical hearing in Court and thereafter they shall regularly appear before the trial Court.

**8.** Before releasing the applicants from the custody the jail authorities are directed to medically examine them 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**

ns