

# **HIGH COURT OF MADHYA PRADESH**

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MCRC No.47459/20

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*(Amjad Vs. State of M.P.)*

**Indore, Dated : 13.1.2021**

Shri Sanjay Kumar Sharma, learned counsel for the applicant is present in person through Video Conferencing.

Shri Soumil Ekadi, learned Public Prosecutor for the non applicant – State is present in person through Video Conferencing.

Heard through video conferencing. Perused the case diary.

This is the **second application** under Section 439 of Cr.P.C. for grant of bail. The first bail application being M.Cr.C. No.36984/20 was dismissed as withdrawn vide order dated 7.10.2020.

Applicant – Amjad S/o Iqbal is implicated in Crime No.449/2005 registered at Police Station – Manakchowk, Ratlam for the offence punishable under Sections 394, 397 of the IPC and under Section 25 of the Arms Act and he is in custody since 14.2.2020.

As per the prosecution story, the complainant Chandrakala had lodged a report that in the year 2006 loot was committed with her and her chain was snatched away. As per the prosecution case, there were three accused persons who had committed loot and witness Lokesh who had tried to intervene, was inflicted knife injury.

Learned counsel for the applicant submits that applicant Amjad has been apprehended 15 years after the incident and there is no identification parade and nothing has been seized from the present applicant. He further submits that the statement of Lokesh has been recorded by the trial Court but he has not supported the prosecution story. This apart the

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one another witness namely Sonu (PW-4) has also been examined, who has also not supported the prosecution story. The deposition sheets have been placed on record for perusal. The statement of complainant Chandrakala (PW-2) and Bhagirath (PW-1) have also been placed on record, which were filed on earlier occasion. These witnesses have also turned hostile. On these grounds bail has been sought.

Learned Public Prosecutor for the State is also heard who has opposed the application.

Considered.

On due consideration of the aforesaid submissions and the documents filed by counsel for the applicant, without commenting upon the merits of the case, this bail application is allowed and it is directed that applicant-Amjad shall be released on bail upon his furnishing a personal bond in the sum of **Rs.50,000/- (Rupees Fifty thousand only)** with **one solvent surety** in the like amount 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 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.47459/2020 is allowed and stands disposed of

C.C. as per rules.

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

*trilok/-*