

HIGH COURT OF MADHYA PRADESH: BENCH AT INDORE

M.Cr.C. No.1021/2021

Tahir v/s The State of Madhya Pradesh

Indore, dated 01.03.2021

Shri Gaurav Singh Chouhan, learned counsel for the applicant.

Shri Akash Sharma, learned Panel Lawyer for the respondent / State.

With the consent, finally heard.

This is the first application filed by the applicant under Section 439 of the Code of Criminal Procedure, 1973 for grant of bail.

The present applicant is in jail since 20.08.2019 in connection with Crime No.83/2019 registered at Police Station – Kishanganj, District – Indore for the offences punishable under Sections 380 and 457 of the Indian Penal Code.

As per prosecution story, on 26.02.2019, complainant – Yograj lodged a report in the police station that he is working in a financial company and maintaining A.T.Ms. of the nationalized bank. He received an information that some unknown person has looted an amount of Rs.11,50,000/- from the A.T.M. with the help of gas cutter. The police has registered the F.I.R. and started investigation. During investigation the police found that the applicant has committed the said offence. A seizure was made on disclosure and one A.T.M. tray valued Rs.15,000/- along with a bag containing Rs.20,000/- were recovered.

Learned counsel for the applicant submits that there is no evidence connecting the present applicant with the said crime. He

was formally arrested by the police as he was in jail in connection with a case registered at Junnardev. There is no CCTV footage on record.

Learned Panel Lawyer for the respondent / State opposes the prayer by submitting that applicant is facing trial in as many as four cases of similar nature. He applied for bail at Principal Seat in respect of the case registered at Junnardev and the same has been withdrawn.

I have gone through the case as well as the record. Keeping in view the past antecedents of the applicant and recovery of A.T.M. tray and specially that fact that one co-accused – Junaid has not been arrested so far, no case for grant of bail is made out.

Accordingly, the bail application is dismissed.

Certified copy, as per Rules.

(VIVEK RUSIA)
J U D G E

Ravi