

HIGH COURT OF MADHYA PRADESH: BENCH AT INDORE

M.Cr.C. No.23626/2021

**Pawan S/o Gagan Dhappa v/s The State of Madhya Pradesh
Indore, dated 03.08.2021**

Heard through video conferencing.

Shri Manoj Saxena, learned counsel for the applicant.

Shri Vikas Jaiswal, learned Panel Lawyer for the respondent / State.

With the consent, finally heard.

This is the third application filed by the applicant under Section 439 of the Code of Criminal Procedure, 1973 for grant of bail in connection with Crime No.270/2020 registered at Police Station – Pachore, District – Rajgarh for the offences registered under Sections 381, 328, 120-B and 411/34 of the Indian Penal Code. The applicant is in custody since 23.07.2020.

Learned counsel for the applicant submits that although his previous application (M.Cr.C. No.52444/2020) was dismissed on 19.01.2021 on merits by reserving liberty to renew it after statement of complainant is recorded by the Court below, the Court below could not proceed any further because of COVID – 19 restrictions. Hence, applicant may be enlarged on bail.

The prayer is opposed by learned Panel Lawyer for the respondent / State.

In the considered opinion of this Court, while dismissing previous application, liberty was granted to renew it *after*

statement of complainant is recorded by the Court below. Said statement has not been recorded till date. The allegations against the applicant are serious. Considering the aforesaid, no case is made out for interference.

M.Cr.C. is dismissed by reserving liberty to the applicant as per previous order dated 19.01.2021.

(SUJOY PAUL)
JUDGE

Ravi