

HIGH COURT OF MADHYA PRADESH, BENCH AT INDORE

M. CR. C. No. 38803 / 2021
RATAN AND TWO OTHERS Vs. STATE OF MP

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INDORE, Dated : 05/08/2021

Heard through video conferencing.

Mr. Yogesh Kumar Gupta, learned counsel for the applicants.

Mr. Jayesh Vyas, learned PL for the respondent – State.

This is first application under Section 439 of the Code of Criminal Procedure, 1973. The applicants are in Jail since 14/6/2021 in connection with Crime No. 246/2021 registered at P.S. - Makdon, Distt. Ujjain (MP), for commission of offence punishable under Section 34(2) of the M. P. Excise Act, 1915.

As per prosecution story, 60 bulk litres of liquor was recovered from the joint possession of the present applicant and two other co-accused persons which has been kept by them unauthorisedly and illegally. Accordingly, a case has been registered. Investigation is complete and charge sheet has been filed before the trial Court.

Learned counsel for the applicant contended that applicants are innocent persons and they have been falsely implicated in this offence. It is submitted that trial will take sufficiently long time. The liquor was said to have been recovered from the joint possession of all the three accused persons. No further custodial investigation is required. During the course of investigation, the accused persons could not produce the Registration Certificate, Insurance Policy and Driving Licence of the motorcycle seized from the spot. The applicants have already suffered jail incarceration since 14/6/2021, under the above circumstances, prayer for grant of bail may be considered on such terms and conditions, as this Court deems fit and proper.

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Per contra, learned GA for respondent – State opposes the bail application and supported the order impugned and prays for rejection of the bail application.

Perused the impugned order of the trial Court.

Considering the aforesaid and other facts and circumstances of the case; the applicants are in jail since 14/6/2021, not required for custodial interrogation and possibility of delay in conclusion of the trial cannot be ruled out, hence, I deem it proper to release the accused / applicants on bail. Therefore, without commenting on the merits of the case, the application is allowed.

It is directed that applicants Ratan, Mehtab and Hakam Singh be released on bail on their each furnishing personal bonds in the sum of Rs.40,000/- (Rs. Forty thousand only) with one solvent surety in the like amount to the satisfaction of the trial Court for their appearance before the trial Court, as and when required. They shall abide by the conditions enumerated u/S. 437(3) Cr.P.C.,

Before releasing the applicants from the custody, the Jail Authorities are directed to medically examine them in order to rule out the possibility of Covid-19 infections and shall comply with the directions issued by the Hon'ble Apex Court in W.P.No. 01/2020.

Certified copy, as per Rules.

(ANIL VERMA)
J U D G E

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