

High Court of Madhya Pradesh, Jabalpur
Bench at Indore

Miscellaneous Criminal Case No.48969/2021

(Deepak @ Deepu s/o Prakash Tank
Versus
The State of Madhya Pradesh)

Indore, Dated 08.10.2021

Shri Avinash Sirpurkar, learned Senior Counsel along with Shri Gaurav Kumar Verma, learned counsel for the applicant.

Shri Aditya Garg, learned Government Advocate for the respondent / State of Madhya Pradesh.

They are heard. Perused the case diary / challan papers.

This is the applicant's repeat (**third**) application under Section 439 of Criminal Procedure Code, 1973, as he is implicated in connection with Crime No.199/2021 registered at Police Station Industrial Area, Ratlam District Ratlam (MP) for offence punishable under Sections 115, 384, 387, 120-B and 506 of the Indian Penal Code, 1860, under Section 3 read with Section 4 of Madhya Pradesh Protection of Debtors Act, 1937 and also under Sections 25 and 27 of the Arms Act, 1959. The applicant is in custody since 22.03.2021.

The allegation against the applicant is that he (Deepak @ Deepu s/o Prakash Tank) along with three other persons namely Avinash @ Chintu Tank s/o Prakash Tank, Balwant @ Balli Singh Goyal s/o Devi Singh Goyal and Vinod @ Vinu Sharma s/o Pyarelal Sharma conspired to commit murder of one Vijay @ Pintu Tank s/o Kamlesh Tank; and in this regard hired one Mukul Panwar s/o

Rajendra Panwar, who had borrowed an amount of Rs.50,000/- (rupees fifty thousand) from the present applicant Deepak @ Deepu s/o Prakash Tank on account of his personal needs. Applicant also provided Mukul two country made pistols and cartridges for the said purpose of murder of Vijay @ Pintu Tank s/o Kamlesh Tank; and he was also threatened with dire consequences if the job is not done and he was also assured an amount of Rs.2,00,000/- (rupees two lakh) in addition to the amount which he already had borrowed on account of his personal needs.

Learned Senior Counsel appearing for the applicant has submitted that first application MCRC No.33480/2021 of the applicant has been dismissed as withdrawn vide order 13.08.2021 whereas his second application MCRC No.42579/2021 was also dismissed as withdrawn on 31.08.2021; and this third application has been filed on 27.09.2021 on the ground that a compromise has taken place between the parties.

Learned Senior Counsel has submitted that the applicant is in jail since 22.03.2021 and the final conclusion of the trial is likely to take sufficiently long time.

In support of his contention, Shri Sirpurkar has also relied upon a decision rendered by the Supreme Court in the case of **Maulana Mohammad Amir Rashadi v. State of Uttar Pradesh** reported as **2012 Cr.L.R. (SC) 124**.

Learned Senior Counsel has further submitted that in the alternative the applicant may also be released on temporary bail on the ground of death of his grandfather, who passed away on 07.10.2021.

Learned Counsel for the respondent / State, on the other hand, has opposed the prayer and it is submitted that no case for grant of bail is made out as the applicant is a notorious criminal having as many as 34 criminal cases registered against him.

In rebuttal, Shri Sirpurkar has submitted that in most of the cases he has already been acquitted and hardly 2-3 cases are still pending against him.

Having considered the submissions and on perusal of the case diary so also taking note of the allegation against the applicant that he insisted one Mukul Panwar s/o Rajendra Panwar to commit murder of applicant's cousin brother Vijay @ Pintu Tank s/o Kamlesh Tank, whereas, Mukul being unwilling to do such illegal act, also recorded the conversation of such devious plan of the applicant, in such circumstances, to say the least of regular bail, this Court does not find it to be a fit case to grant even temporary bail to the applicant who has absolutely no respect for the human values, on account of the death of his grand father. So far as the decision **Maulana Mohammad Amir Rashadi (supra)**, relied upon by Shri **Sirpurkar** is concerned, the same is distinguishable on facts and is of

no avail to the applicant.

Accordingly, Miscellaneous Criminal Case No.48969/2021 being devoid of merits is hereby **dismissed**.

(Subodh Abhyankar)
Judge

Pithawe RC

