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HIGH COURT OF MADHYA PRADESH, BENCH AT INDORE

[S. B. : HON'BLE MR. JUSTICE VIVEK RUSIA]

M. Cr. C. No.51638/2021

Karan S/o Yogendra Bhat,
Aged – 20 Years, Occupation – Service,
R/o – 139, Laxmipuri Colony,
Indore (M.P.)

- Applicant

V e r s u s

State of Madhya Pradesh,
Through Police Station – Chatripura,
Indore (M.P.)

- Respondent

Shri Aashutosh Shukla, learned counsel for the applicant.

Shri Ranjeet Sen, learned Government Advocate for the
respondent / State.

Indore, dated 03/12/2021

This is the first bail application filed under Section 439 of Cr.P.C. by the applicant, who is in custody since 09/05/2020 in connection with Crime No.208/2020 registered at Police Station Chatripura, Indore (M.P.) for the offence punishable under Section 392 of the Indian Penal Code, 1860 read with Section 25 of the Arms Act.

As per prosecution case, complainant Smt. Nikita Chouhan and her husband Shri Himanshu Chouhan were going on a motorcycle bearing registration number MP-09-NX-4259. Near Shivani Hotel two miscreants came on a motorcycle and apprehended them. One of them put a knife and another has snatched her bag containing Rs.27,000/-. Police registered an FIR against unknown person. Thereafter, co-accused Sunil was arrested, who was driving the motorcycle and on his memorandum recorded under Section 27 of the Evidence Act, this present applicant has been made an accused. Test Identification Parade was conducted in which they have been

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identified by the complainant.

Learned counsel for the applicant submitted that applicant is a youth of 20 years of age. He is in jail since 09/05/2020. Investigation is complete and charge sheet has been filed. Offence is said to have been taken place during the lock down period. Hence, movement of complainant as well as this applicant in the city is doubtful. No further custodial interrogation is required. He, therefore, prays for grant of bail to the applicant.

On the other hand, learned counsel appearing for the respondent/State opposes the prayer for grant of bail.

In view of the aforesaid facts and circumstances of the case and looking to the period of custody and the evidence collected against the applicant, without further commenting anything on the merits of the case, it would be appropriate to enlarge the applicant on bail.

Accordingly, this application is allowed and the applicant is directed to be released on bail upon his furnishing personal bond in the sum of **Rs.30,000/- (Rupees Thirty Thousand Only)** with one solvent surety in the like amount to the satisfaction of the trial Court for his regular appearance before the trial Court during the trial as and when required and shall also abide by the conditions enumerated under Section 437(3) Cr.P.C.

Before releasing the applicant from custody the jail authorities are directed to medically examine him in order to rule out the possibility of COVID-19 infections and shall comply with the direction given by the Hon'ble Apex Court in Writ Petition No.01/2020.

Certified copy as per rules.

(VIVEK RUSIA)
J U D G E