

1 HIGH COURT OF MADHYA PRADESH : BENCH AT INDORE
MCRC No.900/2021
Saurabh Vs. State of MP

Indore: Dated:- 13/01/2021:-

Heard through Video Conferencing.

Shri Avinash Sirpurkar, learned Senior Counsel with Shri Bablu Patel, learned counsel for the petitioner.

Shri Ankit Premchandani, learned Panel Lawyer for the State.

With consent, finally heard.

This is third bail application under Section 439 of Cr.P.C. for grant of bail arising out of Crime No.241/2020 registered at Police Station- Khategaon, District-Dewas for the offence punishable under Sections 452, 387, 323, 294, 506 Part-2, 365, 386, 427 & 34 of IPC and S. 3/4 of M.P. *Riniyon Ka Sanrakshan Adhiniyam*, 1937 & 11(F) of Money Lenders Act, 1934.

- 2) The applicant is in custody since 09.07.2020.
- 3) Learned Senior Counsel submits that the first application MCRC No.32070/2020 was dismissed by this Court on 07/10/2020 because till that date Manoj Jain could not be traced.
- 4) The allegation against the applicant is that he has committed offence mainly under Section 365 of IPC and has committed conspiracy, because of which, Manoj Jain could not be traced. The second application MCRC No.45133/2020 was dismissed on 17/12/2020 because a letter was written by wife of Manoj Jain on 04/12/2020 and police station did not take any action by that time. The said MCRC was listed before the Bench on 17/12/2020.
- 5) Learned Senior Counsel submits that later on Manoj Jain himself filed an affidavit dated 28/12/2020. It is submitted that his statement under Section 164 of Cr.P.C. was also recorded

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wherein he has not made any allegation against the present applicant.

6) In view of the subsequent events, no useful purpose would be served in keeping the applicant in custody.

7) The bail application is formally opposed by the learned Panel Lawyer. However, he read out the statement of Manoj Jain recorded under Section 164 of Cr.P.C. wherein he has mentioned that he went to take a tour near Narmada river on his own and applicant is not responsible for his non-traceability during the relevant time.

8) In view of the aforesaid and without expressing any opinion on the merits of the case, I deem it proper to enlarge the applicant on bail. Accordingly, the bail application is allowed.

9) Applicant-**Saurabh S/o Late Shri Moolchand Ji Malya** is directed to be released on bail on his furnishing a personal bond in the sum of **Rs.50,000/- (Rupees Fifty Thousand only)** with one solvent surety of the like amount to the satisfaction of the trial court for his regular appearance before the trial court during trial with a condition that he shall remain present before the court concerned during trial and shall also abide by the conditions enumerated under section 437(3) Cr.P.C.

10) With the aforesaid, the application stands disposed of.

Certified copy, as per rules.

(SUJOY PAUL)
JUDGE