

**IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE
BEFORE**

HON'BLE SHRI JUSTICE ANIL VERMA

ON THE 13th OF MAY, 2022

MISC. CRIMINAL CASE No. 20987 of 2022

Between:-

**HUSSAIN S/O NIYAJ MOHAMMAD @ NAJIR , AGED ABOUT 24 YEARS,
OCCUPATION: LABOR R/O VILLAGE BADA GAON THANA
BHATPACHLANA (MADHYA PRADESH)**

.....PETITIONER

(BY SHRI MANOJ SAXENA, ADVOCATE)

AND

**THE STATE OF MADHYA PRADESH STATION HOUSE OFFICER
THROUGH POLICE STATION INDUSTRIAL AREA (MADHYA PRADESH)**

.....RESPONDENTS

(BY SHRI HITENDRA TRIPATHI, PL.)

This application coming on for admission this day, the court passed the following:

ORDER

Applicant has filed this third bail application under Section 439 of the Code of Criminal Procedure, 1973 in connection with Crime No.55/2020 registered at P.S--Industrial Area, Ratlam, District-Ratlam (M.P.) for commission of offence punishable under Sections 380, 457 of IPC.

As per prosecution story, on 03/02/2020, complainant Rajesh lodged FIR at Polict Station – Industrial Area, Ratlam that on

01/02/2020, he alongwith his family had gone to Sailana for attending function. When he came back on 03/02/2020, he found the lock of his house in broken condition and also found that some unknown miscreants committed theft of some gold and silver ornaments and cash of Rs. 50,000/-. Accordingly, the aforementioned offences were registered. During investigation, present applicant was arrested and on the basis of memorrundam recorded under section 27 of the Indian Evidence Act, the alleged ornaments were recovered from his possession. .

Learned counsel for the applicant contended that applicant is innocent and has been falsely implicated in this offence. There is no legal evidence available on record to connect the applicant with the aforementioned offence. Investigation is over and charge-sheet has been filed. He is in jail since 27/02/2021. He is a permanent resident of District- Ujjain...He has already been enlarged on bail in other two connected cases by this Court. He is sole bread earner in his family. Final conclusion of trial shall take sufficient long time Under these circumstances, learned counsel prays that present applicant be released on bail.

Per-contra, learned PL for respondent – State opposes the bail application by submitting that eight criminal antecedents have already been registered against the applicant; he is habitual offender, therefore, he does not deserve for bail.

Perused the impugned order of the trial Court as well as the

case dairy.

Considering all the facts and circumstances of the case, arguments advanced by both the parties, nature of allegation as also taking note of the fact that all the eight offences registered against the applicant are triable by JMFC and he has been granted bail in two connected case vide order dated 08/04/2022 passed in MCRC no. 13646/2020 and order dated 05/04/2022 passed in MCRC no. 13644/2022; .final conclusion of trial shall take sufficient long time and in view of the evidence available on record against the applicant, I deem it proper to release the accused / applicant on bail.

Accordingly, without commenting on the merits of the case, the application is allowed. It is directed that the applicant be released on bail on his furnishing personal bond in the sum of **Rs.70,000/- (Rs. Seventy Thousand only)** with one solvent surety in the like amount to the satisfaction of the trial Court for his appearance before the trial Court, as and when required. He shall abide by the conditions enumerated u/S. 437(3) Cr.P.C.,

It is made clear that if the applicant is again found to be involved in any other offence during the trial, this order shall stand cancelled automatically without reference to the Court and the police will be at liberty to arrest the applicant in the present case also. This order shall be effective till the end of the trial, however, in case of bail jump, it shall become ineffective.

Before releasing the applicant from the 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 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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