

HIGH COURT OF MADHYA PRADESH : INDORE BENCH
BEFORE

HON'BLE SHRI JUSTICE VIVEK RUSIA

ON THE 26th OF MAY, 2022

MISC. CRIMINAL CASE No. 21956 of 2022

Between:-

SAMEER RATHORE S/O BHAGWAN SINGH RATHORE , AGED ABOUT 19 YEARS, OCCUPATION: LABOR R/O 28/02 GANESHDHAM COLONY (MADHYA PRADESH)

.....PETITIONER

(BY SHRI SAURABH RATHORE, ADVOCATE)

AND

THE STATE OF MADHYA PRADESH STATION HOUSE OFFICER THROUGH POLICE STATION BANGANGA (MADHYA PRADESH)

.....RESPONDENTS

(BY SHRI MUKESH KUMAWAT, GOVT. ADVOCATE)

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

ORDER

This is first application filed under Section 439 of Cr.P.C. by the applicant who is in custody since 11.1.2022 in connection with Crime No.61/2022 registered at Police Station Banganga, District Indore for the offence punishable under Section 399, 402 of the IPC and u/s. 25, 27 of the Arms Act.

As per the prosecution case Sub Inspector, Police Station Banganga, Indore received a discreet information on 11.1.2022 that five persons are sitting behind the "Sulabh Complex" and planning to commit dacoity. He along with the police force reached to the spot and found the present applicant and four others. One knife was recovered from the possession of the present applicant.

Accordingly, he has been made accused and was arrested along with others.

Learned counsel for the applicant submits that the applicant has falsely been implicated in this case. No further custodial interrogation is required. He is suffering from infection in ears as well as in the throat for which he is being treated in M.Y. Hospital, Indore. He, therefore, prayed for grant of bail to the applicant.

On the other hand, learned Govt. Advocate appearing for respondent/State opposes the prayer by submitting that the applicant is a habitual criminal and as many as 4 criminal cases are registered against him. He however admits that as per medical report the applicant is being given treatment regularly in Govt. Hospital.

Looking to the health condition, the applicant deserves to be released on bail for certain period.

Accordingly, in order to get better treatment, this M.Cr.C. is allowed and the applicant – Sameer Rathore is directed to be released on bail for a period of **six months** from the date of his release upon his furnishing personal bond in the sum of **Rs.30,000/-** (Rupees Thirty Thousand) 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 with a condition that he shall remain present before the court concerned during the trial and shall also abide by the conditions enumerated under Section 437(3) Cr.P.C.

C.C. as per rules.

(VIVEK RUSIA)
V. JUDGE

Alok/-