

IN THE HIGH COURT OF MADHYA PRADESH**AT INDORE****BEFORE****HON'BLE SHRI JUSTICE ANIL VERMA****ON THE 22nd OF JUNE, 2022**MISC. CRIMINAL CASE No. 29384 of 2022**Between:-****SHASHANK PATIDAR S/O KAMAL PATIDAR , AGED ABOUT 26
YEARS, OCCUPATION: STUDENT ANJADH, TEHSIL ANJADH,
(MADHYA PRADESH)****.....PETITIONER****(BY SHRI MANOJ SAXENA, ADVOCATE)****AND****THE STATE OF MADHYA PRADESH STATION HOUSE OFFICER
THROUGH POLICE STATION MALHARGADH (MADHYA
PRADESH)****.....RESPONDENTS****(BY SHRI HEMANT SHARMA, G.A.)**

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

ORDER

Applicant has filed this first bail application under Section 439 of the Code of Criminal Procedure, 1973. He is in Jail since 29.5.2022 in connection with Crime No. 90/2022 registered at P.S. -

Malhargarh District Mandsaur (M.P.) for commission of offence punishable under Section 406, 407, 420, 345 and 120B of IPC

As per the prosecution story, complainant lodged a report that he is in the business of transport by the name of Vishal Transport. On 13.4.2022 at about 6 p.m. he loaded 150 bales of cotton in truck bearing registration No. RJ-09-GA 5162 owned by Vinod Gurjar and driven by Sandeep Singh which has to be delivered to Nitin Spinners Ltd but it was not reached on its destination and on the way the same was caught fired on 15.4.2022. The driver informed the truck owner regarding the aforesaid incident. During investigation it was gathered that present applicant alongwith truck owner conspired that they would load the item and on the way they would take out the goods and will set the truck on fire to take insurance from the company and will sell the stolen goods. Accordingly a case has been registered against the applicant.

Learned counsel for the applicant submits that applicant is innocent and he has been falsely implicated in this matter. Applicant is in jail since 29.5.2022. The applicant has no nexus with the aforesaid offence. The stolen cotton was seized from the open space which was not in possession of present applicant. He is neither the owner nor the driver of the truck. Co-accused person Madanlal has been enlarged on bail by order dated 15.6.2022 passed in M.Cr.C.No. 26167/2022 by this Court and therefore, the applicant also deserves for bail on the ground of parity.

Per-contra, learned PL for respondent/State opposes the bail application and prays for its rejection.

Perused the case diary as well as the impugned order of the court below.

Considering all the facts and circumstances of the case, arguments advanced by counsel for the parties, nature and gravity of allegation as also taking note of the fact that nothing has been recovered from possession of present applicant, co-accused person Madanlal has been enlarged on bail by this court and final conclusion of trial will take considerable long time, I deem it proper to release the applicant on bail on the ground of parity.

Accordingly, without commenting on the merits of the case, the application is allowed. It is directed that the applicant be released on bail upon his furnishing a personal bond in the sum of **Rs.1,00,000/- (Rs. One Lakh only)** with two solvent sureties out of which one should be local 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.

C.C. as per rules.

(ANIL VERMA)
J U D G E