

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

HON'BLE SHRI JUSTICE ANIL VERMA

ON THE 5th OF AUGUST, 2022

MISC. CRIMINAL CASE No. 35420 of 2022

Between:-

**SHANU @ FARDEEN S/O SHRI SALIM
NAGORI, AGED ABOUT 24 YEARS,
OCCUPATION: BUSINESS, R/O
AAMWALA ROAD, CHANDAN NAGAR
(MADHYA PRADESH)**

.....APPLICANT

***(SHRI AKASH RATHI, LEARNED COUNSEL FOR
THE APPLICANT)***

AND

**THE STATE OF MADHYA PRADESH
STATION HOUSE OFFICER THROUGH
POLICE STATION CHANDAN NAGAR,
INDORE (MADHYA PRADESH)**

.....RESPONDENT

***(SHRI HITENDRA TRIPATHI, LEARNED PL APPEARING ON
BEHALF OF ADVOCATE GENERAL)***

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

O R D E R

The applicant has filed this first bail application under Section 439 of the Code of Criminal Procedure, 1973. Applicant is in Jail since

24/05/2022 in connection with Crime No.411/2022 registered at Police Station – Chandan Nagar, District Indore (M.P.) for commission of offence punishable under Section 399 and 402 of the Indian Penal Code, 1860 read with Section 25 of the Arms Act.

As per the prosecution story, on 23/05/2022 police received a discrete information from the informant that four persons assembled under the Navtha Panth Bridge are planning to commit dacoity in Navtha Panth Wine Shop. Act upon the said information, police party reached on the spot and found that applicant and other co-accused persons were planning to commit dacoity and confiscated weapons from the possession of the accused. A sword was found in possession of the present applicant. Accordingly a case has been registered against the applicant and other co-accused persons.

Learned counsel for the applicant submits that applicant is innocent person and he has been falsely implicated in this matter. Applicant is in custody since 24/05/2022. Co-accused Musharraf has been enlarged on bail by the trial Court *vide* order dated 07/06/2022. Applicant is a young person of 24 years of age. Omnibus allegations have been levelled against the applicant. He is the permanent resident of Indore district. There is no apprehension of his either fled away from the Court of justice or tempering with the prosecution evidence and final conclusion of trial will take considerable long time. Hence, he prays that applicant be released on bail.

Per-contra, learned counsel for the respondent/State opposes the

bail application and prays for its rejection by submitting that there is one more criminal antecedent found against the applicant. He is a habitual offender and therefore, he does not deserve for bail.

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

Considering all the facts and circumstances of the case, nature and gravity of allegation as also taking note of the fact that applicant is in custody since 24/05/2022; investigation is over and charge sheet has been filed, therefore, no further custodial interrogation of the applicant is required; final conclusion of trial will take considerable long time and co-accused Musharraf has already been enlarged on bail in the similar circumstances. In these circumstances and on the ground of parity, I deem it proper to release the applicant on bail.

Accordingly, without commenting upon 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.75,000/- (Rupees Seventy Five Thousand Only)** with a 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.

Certified copy as per rules.

(ANIL VERMA)
J U D G E