

IN THE HIGH COURT OF MADHYA PRADESH**AT INDORE****BEFORE****HON'BLE SHRI JUSTICE ANIL VERMA****ON THE 22nd OF SEPTEMBER, 2022****MISC. CRIMINAL CASE No. 45533 of 2022****BETWEEN:-****PRAKASH S/O HIRALAL, AGED ABOUT 29
YEARS, OCCUPATION: DRIVER PILI
MITTHI, BARWAHA, DISTRICT KHARGONE
(MADHYA PRADESH)****.....PETITIONER*****(BY SHRI MANOJ MALVIYA, ADVOCATE)*****AND****THE STATE OF MADHYA PRADESH
STATION HOUSE OFFICER THROUGH
POLICE STATION BARWAHA DISTRICT
KHARGONE (MADHYA PRADESH)****.....RESPONDENTS*****(BY SHRI PRANAY JOSHI PL)***

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

ORDER

Applicant has filed this first bail application under Section 439 of the Code of Criminal Procedure, 1973 in connection with Crime No. 470/2022 registered at P.S – Barwah, District-Khargone (M.P.) for commission of offence punishable under Sections 379 of IPC and section 53(1-5) of M.P. Minor Mineral Rules, 1996.

As per prosecution story, on the date of incident, present applicant Prakash was carried illegal minerals sand (Ret) near Maheshawer road Navalpura fata without legal document. After that a case is "registered against the present applicant u/379 OF

IPC . Act and 53 (1-5) MP Minor Mineral Rules,1996.. The FIR was registered against the applicant.

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. Penalty amount of Rs. 30,625/- has been deposited. Investigation is almost over, therefore, no further custodial interrogation of the applicant is required.. Applicant is in custody since 20/08/2022. He is permanent resident of District-Khargone.. There is no apprehension of his fleeing away from the court of justice. Final conclusion of trial shall take sufficient long time. Under the above circumstances, prayer for grant of bail may be considered on such terms and conditions, as this Court deems fit and proper.

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

Perused the impugned order of the trial Court, the statements of the witnesses 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 penalty amount has been deposited in the aforesaid offence and receipt has been produced along with present application; he is in custody since 20/08/2022; investigation is almost over, therefore, no further custodial interrogation of the applicant is required and possibility of delay in conclusion of the trial cannot be ruled out, in view of the evidence available on record, 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. 75,000/- (Rs. Seventy Five 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.

Certified copy, as per Rules.

(ANIL VERMA)
J U D G E

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