

**IN THE HIGH COURT OF MADHYA PRADESH****AT INDORE****BEFORE****HON'BLE SHRI JUSTICE ANIL VERMA****ON THE 25<sup>th</sup> OF NOVEMBER, 2022****MISC. CRIMINAL CASE No. 52074 of 2022****BETWEEN:-****RAJU S/O GANGARAM JI BARIYA, AGED  
ABOUT 35 YEARS, OCCUPATION: LABROUR  
AMBEDKAR COLONY, BUS STAND RAOTI  
DISTRICT RATLAM (MADHYA PRADESH)****.....PETITIONER*****(SHRT HARISH CHANDRA TRIPATHI,  
LEARNED COUNSEL FOR THE PETITIONER*****AND****THE STATE OF MADHYA PRADESH STATION  
HOUSE OFFICER THROUGH POLICE  
STATION RAOTI, DISTRICT RATLAM  
(MADHYA PRADESH)****...RESPONDENTS*****( SHRI BHUVAN DESHMUKH GA APPEARING  
ON BEHALF OF ADVOCATE GENERAL.***

*This application coming on for order 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. 163/2021 registered at P.S - Raoti, District- Ratlam (M.P.) for commission of offence punishable under Sections 457, 380 of IPC.

As per prosecution story, on 21/05/2021, complainant Rama lodged FIR at police station – Raoti, Ratlam by stating that in the

mid-night of 20/05/2021, he along with his family members were sleeping inside the house. At about 3.00 pm, her daughter Anju and Pooja informed him that outer wall of the house found broken and one iron box was missing, which contained three pairs of silver *paijeb*, one silver *doyadi*, two pairs of silver *bichhiya*, one *kardoran*, one ring and cash of Rs. 7000/-. During investigation, three pairs of silver *paijeb* was recovered from the possession of the applicant. Accordingly, the aforementioned offence was registered and he was arrested.

Learned counsel for the applicants contended that applicant is innocent and has been falsely implicated in this offence. There is no legal evidence available on record to connect the applicants with the aforementioned offence. His earlier bail applications had been dismissed as withdrawn. Although five criminal cases have been registered against the applicant, but in rest of four cases, he has been enlarged on bail. Copy of the said orders has been filed by him. No test identification parade has been conducted by the prosecution regarding seized articles. Investigation is over and charge-sheet has been filed, therefore, no further custodial interrogation of the applicants is required.. Applicant is in custody since 08/04/2022. He is permanent resident of District- Ratlam.. There is no apprehension of their 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 by submitting that five criminal antecedents of similar nature have been found against the

applicant; he is habitual offender, therefore, he does not deserve for bail.

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 the alleged offence is exclusively triable by JMFC; he is in custody since 08/04/2022; he has been enlarged in other criminal cases, which were registered against him on the same day of arrest; only three pairs of pajeb has been recovered from his possession; no test identification parade has been conducted by the prosecution; investigation is over and charge-sheet has been filed, therefore, no further custodial interrogation of the applicants 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 / applicants 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/her 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/her appearance before the trial Court, as and when required.

He shall abide by all 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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