

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

HON'BLE SHRI JUSTICE ANIL VERMA

ON THE 30th OF JANUARY, 2023

MISC. CRIMINAL CASE No. 4703 of 2023

BETWEEN:-

**MONU S/O SHRI KISHANLAL SAINI, AGED ABOUT
24 YEARS, OCCUPATION: LABOR R/O VILLAGE
GOVARDHANPURA MATAJI KI BADI PS RAMGANJ
MANDI DISTT. KOTA (RAJASTHAN)**

.....APPLICANT

(BY SHRI ABHISHEK RATHORE. - ADVOCATE)

AND

**THE STATE OF MADHYA PRADESH STATION
HOUSE OFFICER THROUGH POLICE STATION
BHANPURA DISTT. MANDSAUR (MADHYA
PRADESH)**

.....RESPONDENTS

(BY SHRI SANTOSH SINGH THAKUR- GOVT. ADVOCATE)

*This application coming on for admission 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. 191/2022 registered at P.S - Bhanpura, District- Mandsaur (M.P.) for commission of offence punishable under Sections 392 / 34 of IPC.

As per prosecution story, on 15.05.2022 Complainant Suresh who is the manager of Bharat Financial Inclusion Limited give a written compliant that on 12.05.2022 one employee Shailendra Suman of company went for the collection and when he was returning at about

7:30 PM, two persons coming on motor cycle overtook the bike of Shailendra and hit his bike from behind and put Gun (Desi Katta) on his forehead and looted the collection, Tablet and Finger Thumb Machine from the victim and ran away from the place of incident. Thereafter, present applicant/ accused along with co-accused person was arrested by in another crime and there, present applicant/accused in his Section 27 memo of Evidence Act admitted the loot and he was formally arrested on 08.08.2022

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. Investigation is over and charge-sheet has been filed, therefore, no further custodial interrogation of the applicant is required.. One witness has been examined before the trial Court. During test identification parade, present applicant was no identified by the victim. Applicant is in custody since 08/08/2022. He is permanent resident of District- Kota (Rajasthan). 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 stating that 11 criminal antecedents 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 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 present applicant is not named in the FIR; during test identification parade, he was not identified by the victim Shailendra Mali; he is in custody since 08/08/2022; investigation is over and charge-sheet has been filed, 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 / 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 furnishing personal bond in the sum of **Rs. 75,000/- (Rs. Seventy Five Thousand only)** with two solvent surety (**out of which, one 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 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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