The High Court Of Madhya Pradesh

MCRC-43486-2018

(SAGAR SINGH @ SATYA PRAKASH SINGH Vs. ***THE STATE OF MADHYA PRADESH)***

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Jabalpur, dated: 16.11.2018

Shri Ranjan Banerjee, learned counsel for the applicant.

Shri Manish Awasthy, learned Government Advocate for the respondent/State.

Case diary is available.

Heard on this first application for bail under section **439** of the Code of Criminal Procedure filed on behalf of applicant in connection with Crime No.238/2018 registered by Police Station Bameetha, District Chhatarpur under Sections 336, 294, 394 and 120-B of the Indian Penal Code.

The case of the prosecution is that, on 13.09.2018 applicant Sagar Singh invited complainant Nizamuddin Khan for the purposes of gambling in the field of Mahesh Arjariya, situated at Bhaiyyatal under the jurisdiction of Police Station Bameetha, District Chhatarpur. The complainant reached with his helper Satish Mali. When the complainant was busy in gambling with co-accused Bante Khatik, Umar and Sagar Singh at the same time co-accused Rajan Patel with two other unknown persons have reached the spot, fired a shot on air by means of Katta, abused the complainant and looted Rs.10,000/- cash from his possession. Co-accused Sundram Chourasiya and Nirpat Chourasiya snatched 315 bore rifle from his helper Satish Mali and fled away from the spot. The complainant alleged that the said loot was conspired by Sagar Singh, Bante Khatik and Umar and was committed by Rajan Patel, Sundaram Chourasiya, Nirpat Chourasiya and two other accused persons. On that basis, the offence has been registered against the applicant.

Learned counsel for the applicant submitted that the applicant has not committed any offence and has falsely been

implicated in the crime. It is further submitted that no overt act has been ascribed to the applicant. There is also no evidence to suggest that the applicant was in no way involved on the assault on Satish Mali. It is also submitted that the applicant is a permanent resident of the address described in the application. He is ready to furnish adequate surety and shall abide by all terms and conditions imposed upon him. There is no chance of his absconding or tampering with the evidence. It is also submitted that the applicant has been in custody since 07.10.2018. In view of the aforesaid, prayer has been made to enlarge the applicant on bail.

Learned Government Advocate for the respondent/State on the other hand has opposed the bail application.

On perusal of the case diary, it seems that there is no allegation that applicant has been involved in looting the money and snatching the rifle of the complaint. He seems to be arrayed in the list of accused person on the premises and conjectures of the complainant. There seems to be no evidence that he was involve in criminal conspiracy and committing the said loot. At this stage it is not proper to assess the evidence which is collected till now.

However, keeping in view the facts and circumstances of the case in their entirety, particularly the fact as pointed out by the learned counsel for the applicant without commenting upon the merits of the case, in the opinion of this Court, the applicant deserves to be released on bail.

Consequently, this first application for bail under Section 439 of the Code of Criminal Procedure filed on behalf of applicant-**Sagar Singh @ Satya Prakash Singh**, stands allowed.

It is directed that the applicant shall be released on bail on furnishing a personal bond in the sum of **Rs.30,000/-** with one solvent surety in the like amount to the satisfaction of the trial Court for his appearance before that Court on all dates fixed in the case and for complying with the conditions enumerated under Section 437 (3) of the Code of Criminal Procedure.

Certified copy as per rules.

(Mohd. Fahim Anwar)
Judge

taj.