

The High Court Of Madhya Pradesh

MCRC-38329-2020

(HYAT MOHD. SHOUKAT Vs THE STATE OF MADHYA PRADESH)

Jabalpur, Dated : 25-11-2020

Heard through Video Conferencing.

Ms. Nilima Seth, Advocate for applicant.

Shri Vinod Mishra, learned P.L. for the respondent/State.

This is first bail application filed by the applicant under Section 439 of the Cr.P.C. for grant of bail, who is in custody since 20.08.2020 in connection with Crime No.160/2016 registered at Police Station G.R.P. Katni for the offence punishable under Section 457, 380 of the IPC.

Allegation against the applicant is that he along with other accused persons committed theft of one mobile and bag containing Rs.1,38,000/- and cloths.

It is submitted that the applicant is innocent. He is in custody since 20.8.2020. Charge sheet has been filed. There is no eyewitness of the incident and there is no identification of the alleged mobile seized from the applicant in the year 2016. The applicant has been arrested because of his criminal antecedents. There is no likelihood of his absconding and tempering with the material witnesses. Hence, he be enlarged on bail.

Learned P.L. opposed the application and prayed for rejection of the same. He submits that the applicant has criminal antecedents and if he is granted bail, he may escape.

Having considered the contentions of learned counsel for the parties, perusal of record and looking to the evidence available on record, without commenting anything on the merits of the case, in view of this court, it is a fit case to grant bail. Hence, this application is allowed.

Applicant **Hyat Mohd. Shoukat** is directed to be released on bail on furnishing personal bond in a sum of Rs.25,000/- with a solvent surety in the like amount to the satisfaction of the trial court for his appearance before the trial Court on the dates so fixed by that Court during trial. It is directed that

applicant shall comply the provisions of Section 437(3) Cr.P.C.

Certified copy as per rules.

(J. P. GUPTA)
JUDGE

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