

The High Court Of Madhya Pradesh

MCRC-43231-2020

(RAJESH Vs THE STATE OF MADHYA PRADESH)

Jabalpur, Dated : 25-11-2020

Heard through Video Conferencing.

Mohd. Mohsin Wali, learned counsel for the applicant.

Shri Devendra Shukla, learned PL for the respondent-State.

Heard with the aid of case diary.

This is first application of the applicant **Rajesh** filed under Section 439 Cr.P.C. for grant of bail. Applicant was arrested on 12.10.2020 in connection with Crime No.449/2020 registered at Police Station Parasiya District Chhindwara for the offence punishable under Section 34(2), 44 of M.P. Excise Act.

As per the prosecution case on 12.10.2020 on the information of informant police stopped one tata car bearing registration no. MP-20-FA-3311 which was being driven by co-accused Suresh @ Monu and co-accused Hemant & Bhagwandas were also travelling in that vehicle and seized 72 bulk liter of english liquor from their possession, which was illegally being carried by the them in that car. On interrogation, co-accused Hemant and Bhagwandas informed the police that they took that wine at the instance of applicant Rajesh. So, police also implicated the applicant in the crime and arrested hin on 12.10.2020.

Learned counsel for the applicant submits that applicant is innocent and has falsely been implicated in the offence. There is no direct evidence on record to connect the applicant with the crime. Police only on the basis of memorandum of co-accused implicated the applicant in the crime while the confessional statement to police cannot be accepted as legal evidence against the applicant in the absence of any other incriminating piece of evidence. The applicant has been in custody since 12.10.2020, and conclusion of trial will take time, hence prayed for release of the applicant on bail.

Learned counsel for the State opposed the prayer.

Looking to the facts and circumstances of the case and the contention of learned counsel for the applicant and the fact that applicant has no criminal past, he is in custody since 12.10.2020, conclusion of trial will take time, without commenting on the merits of the case, the application is allowed and it is directed that the applicant be released on bail upon his furnishing personal bond in the sum of Rs.50,000/- (Rs. Fifty Thousand Only) with one surety in the like amount to the satisfaction of the concerned C.J.M/trial Court for his appearance before the concerned Court on all such dates as may be fixed in this behalf by the trial Court during the pendency of trial.

This order will remain operative subject to compliance of the following conditions by the applicant :-

1. The applicant will comply with all the terms and conditions of the bond executed by him;
 2. The applicant will cooperate in the trial;
 3. The applicant will not indulge himself in extending inducement, threat or promise to any person acquainted with the fact of the case so as to dissuade him from disclosing such facts to the Court;
 4. The applicant shall not commit an offence similar to the offence of which he is accused;
 5. The applicant will not seek unnecessary adjournments during the trial; and
 6. The applicant will not leave India without prior permission of the trial Court.
- C.C. on payment of usual charges.

(RAJEEV KUMAR DUBEY)
JUDGE