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**IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR**

**BEFORE
HON'BLE SHRI JUSTICE VIVEK AGARWAL**

ON THE 25th OF MAY, 2023

MISC. CRIMINAL CASE No. 17692 of 2023

BETWEEN:-

**AMIT KUMAR GAUTAM S/O SHRI ARUN KUMAR
GAUTAM, AGED ABOUT 22 YEARS, OCCUPATION:
SERVICE (CONTRACT) R/O VILLAGE SATOHARI POLICE
STATION RAMPUR NAKIN DISTRICT SIDHI (MADHYA
PRADESH)**

.....APPLICANT

(BY MR. RAKESH DWIVEDI - ADVOCATE)

AND

**STATE OF MADHYA PRADESH THROUGH STATION
HOUSE OFFICER POLICE STATION CHURHAT DISTRICT
SIDHI (MADHYA PRADESH)**

.....RESPONDENT

(BY MR. A. SHARMA - GOVERNMENT ADVOCATE)

.....
*This application coming on for admission this day, the court passed the
following:*

ORDER

This is first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 (for brevity "Cr.P.C") vide Crime No.178/2023 is registered at Police Station-Churhat, District-Sidhi (M.P.) for offences punishable under Sections 457 and 380 of the Indian Penal Code. The applicant is in custody since 24.03.2023 (confined to police station on 19.03.2023).

According to case of the prosecution, it is alleged that in the

intervening night of 21.02.2023 and 22.02.2023, the applicant had stolen mobile phones and cash amount from the shop of the complainant.

It is submitted by learned counsel for the applicant that the FIR was lodged against unknown person. No T.I.P. is conducted. Investigation is complete and charge-sheet has been filed. The applicant is innocent. He has falsely been implicated in this case. Trial will take time for its conclusion. Hence, prayer is made to enlarge the applicant on bail.

Learned Government Advocate, on the other hand, opposes the bail application and submits that there is a criminal history of 2 cases of the same nature against the present applicant and he is already on bail in one of the cases.

After hearing learned counsel for the parties and considering the facts & circumstances of the case, this Court is of the considered opinion that it is a fit case for grant of bail to the applicant. Hence, without commenting on the merits of the case, this application is allowed.

It is directed that applicant be released on bail on his furnishing a personal bond in the sum of **Rs.50,000/- (Rupees Fifty Thousand Only)** with two solvent sureties of the like amount to the satisfaction of the Trial Court to appear before the said Court on the dates given by the concerned Court during pendency of trial. It is further directed that the applicant shall comply with the provisions of Section 437(3) of the Cr. P. C.

It is further directed that looking to the criminal history of the applicant, he shall appear before the concerned police station on every first day of the month.

This order shall be effective till the end of the trial, however, in case

of bail jump and breach of any of the pre-condition of bail, it shall become ineffective.

Certified copy as per rules.

julie

(VIVEK AGARWAL)
V. JUDGE

