
Jitendra Vs State Of Madhya Pradesh

Miscellaneous Criminal Case No.38969 Of 2022

Court: Madhya Pradesh High Court (Indore Bench)

Date of Decision: Aug. 10, 2022

Acts Referred:

Code Of Criminal Procedure, 1973 " Section 437(3), 439#Indian Penal Code, 1860 " Section 34, 109, 201, 304, 308, 328#Madhya Pradesh Excise Act, 1915 " Section 42, 49A

Hon'ble Judges: Subodh Abhyankar, J

Bench: Single Bench

Advocate: S. K. Meena, Mamta Shandilya

Final Decision: Allowed

Judgement

Subodh Abhyankar, J

They are heard. Perused the case-diary.

This is the third bail application filed by applicant under Section 439 of Criminal Procedure Code, 1973 as he is implicated in connection with Crime

No.269/2021 registered at Police Station - Pipaliyamandi, District - Mandsaur (MP) for offence punishable under Sections 304, 308, 328, 109, 201 and

34 of IPC; and Sections 49-A & 42 of M.P. Excise Act. The applicant is in custody since 06.08.2021.

His first bail application has already been dismissed on merits vide order dated 25.03.2022 passed in M.Cr.C. No.3995 of 2022 with liberty to renew

the prayer after completion of one year's incarceration.

Counsel for the applicant has submitted that the applicant is in custody since 06.08.2021 and as such he has already completed one year of

incarceration. Counsel has also submitted that the identically placed co-accused persons in different crime number have already been released on bail.

Thus, it is prayed that the applicant be also released on bail.

Counsel for the respondent/State, on the other hand, has opposed the prayer.

Heard. On due consideration of submissions and on perusal of the case-diary as also the earlier order dated 25.03.2022 passed in M.Cr.C. No.3995 of

2022, this Court finds force with the contentions raised by the counsel for the applicant to allow the application.

Accordingly, without adverting to the merits of the case, the application filed by the applicant is allowed. The applicant is directed to be released on

bail upon furnishing a personal bond in the sum of Rs.50,000/- (rupees fifty thousand) with a solvent surety of the like amount to the satisfaction of the

trial Court for his regular appearance before the trial Court during trial with a condition that he shall remain present before the Court concerned during

trial and shall also abide by the conditions enumerated under Section 437 (3) Criminal Procedure Code, 1973.

It is also observed that if the applicant is found to be involved in any of the criminal activities, after his release on bail, then the learned judge of the

trial Court shall, after giving an opportunity of hearing to the applicant, be at liberty to cancel this bail order without further reference to this Court.

Application stands allowed.

Certified copy as per rules.