
(2019) 07 MP CK 0102

In the Madhya Pradesh High Court

Case No : Miscellaneous Criminal Case No. 26583, 22728 Of 2019

Abhishek @ Janu Dholpuriya

APPELLANT

Vs

State Of Madhya Pradesh

RESPONDENT

Date of Decision : 01-07-2019

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 437(3), 439
Indian Penal Code, 1860 — Section 380, 457, 511

Citation : (2019) 07 MP CK 0102

Hon'ble Judges : Mohd. Fahim Anwar, J

Bench : Single Bench

Advocate : Ghanshyam Sharma, J.L. Soni, S.R. Kushwaha

Final Decision : Allowed

Judgement

Heard on these first applications for bail under section 439 of the Code of Criminal Procedure filed on behalf of applicants, in connection with Crime

No.169/2019 registered at Police Station Misrod, Bhopal under Sections 457, 380 and 511 of the Indian Penal Code.

The case of the prosecution is that, on 19.03.2019 at about 10:00 pm, complainant Amit Namdeo, who was posted as Guard at ATM of Bank of

Baroda, situated in the market opposite Kailash Nagar, under the jurisdiction of Police Station Misrod, Bhopal, had closed the ATM after putting lock

on it and returned back to his home. On 20.03.2019 at about 06:00 am, when he came to open the ATM, he found the lock opened and the shutter was

also half opened; however, the cash was not stolen from the said ATM. The complainant lodged an FIR, on that basis, crime under the

aforementioned offence has been registered against unknown person. During the course of investigation, the applicants were taken into custody and

on their interrogation, they have admitted the commission of offence. On their information and instance, the articles, which were used in breaking the lock of the ATM was recovered from them.

Learned counsel for the applicants submitted that the applicants have not committed any offence and have falsely been implicated in the crime. It is also submitted that the applicants are permanent residents of the address shown in the applications. They are ready to furnish adequate surety and shall abide by all the directions and conditions which may be imposed upon them. It is further submitted that applicants are young persons and have been in custody since 26.03.2019. In view of the aforesaid, it has been prayed that the applicants be released on bail.

Learned Panel Lawyer for the respondent/State has vehemently opposed the submissions made on behalf of the applicants. There are two cases registered against the applicant Abhishek @ Janu Dholpuriya in Police Station Misrod, Bhopal. In view of the aforesaid, a prayer has been made to reject the bail applications.

On perusal of the case diary, it seems that though the lock of the ATM has been broken but there is no allegation regarding theft of money. Against the applicant Ahbishek @ Janu Dholpuriya, two other cases were found to be registered; however, they are not regarding theft or attempt to theft. No case reported to the registered against applicant Vicky. It also seems that the applicants are in custody since 26.03.2019.

Keeping in view the facts and circumstances of the case particularly the fact as pointed out by the learned counsel for the applicants, allegation made against the applicants and also looking to the period of detention of the applicants, in the opinion of this Court, the applicants deserve to be released on bail.

Consequently, these first applications for bail under section 439 of the Code of Criminal Procedure filed on behalf of applicants-Vicky and Abhishek

@ Janu Dholpuriya is allowed.

It is directed that the applicants shall be released on bail on furnishing a personal bond in the sum of Rs.30,000/-with one solvent surety each in the same amount to the satisfaction of the trial Court for their 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.