

(2023) 03 MP CK 0075

In the Madhya Pradesh High Court

Case No : Miscellaneous Criminal Case No. 12225 Of 2022

Annu @ Anil Thakur And Others

APPELLANT

Vs

State Of Madhya Pradesh

RESPONDENT

Date of Decision : 20-03-2023

Acts Referred:

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

Citation : (2023) 03 MP CK 0075

Hon'ble Judges : Sanjay Dwivedi, J

Bench : Single Bench

Advocate : P.K. Sen, Alok Agnihotri

Final Decision : Allowed

Judgement

Sanjay Dwivedi, J

This second post-arrest application under Section 439 of the Code of Criminal Procedure has been filed on behalf of the applicants for grant of bail, who are behind the bars since 02.11.2022 in connection with Crime No.745/2022 registered at Police Station Gotegaon, District Narsinghpur (M.P.) for the offence punishable under Section s 380, 457 of IPC.

The applicant's first bail application faced dismissal as got withdrawn vide order dated 02.01.2023 passed in M.Cr.C. No.58535/2022 with a liberty to file application anew after a period of two months.

Learned counsel for the applicants submits that the period of liberty has since gone-by, this application has been moved. He further submits that the applicants have past criminal record relating to similar offence however one case of Excise Act is registered against one of the applicants. He implores that looking to the period of custody, the applicants may be granted bail even by imposing some strict condition.

In contrast learned counsel for the State opposes the application and prays for its dismissal.

Considering the overall facts and circumstances including the period of incarceration and liberty granted earlier, I am inclined to enlarge the applicants on bail subject to condition, if the applicants repeat such offence, the bail granted to them shall stand cancelled. However, without commenting any view on merits. this application is allowed. It is directed that the applicants be released on bail upon their furnishing personal bond in the sum of Rs.1,00,000/- (Rupees One Lakh) each with one solvent surety each of the like amount to the satisfaction of the trial Court concerned for their appearance on the dates given by it.

It is further directed that the applicants shall abide by the conditions enumerated in Section 437(3) of the Code of Criminal Procedure.

Certified copy as per rules.