

(2024) 04 MP CK 0012

In the Madhya Pradesh High Court

Case No : Miscellaneous Criminal Case No. 12830 Of 2024

Chhotu @ Chhotelal And Others

APPELLANT

Vs

State Of Madhya Pradesh

RESPONDENT

Date of Decision : 02-04-2024

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 439
Indian Penal Code, 1860 — Section 379, 511

Citation : (2024) 04 MP CK 0012

Hon'ble Judges : Sunita Yadav, J

Bench : Single Bench

Advocate : Sooraj Bhan Lodhi, Girraj Soni

Final Decision : Allowed

Judgement

Sunita Yadav, J

This is the first application filed by the applicants under Section 439 of the Cr.P.C. for grant of bail relating to FIR No.40 of 2024 registered at Police Station Karera, District Shivpuri (M.P.) for the offence under Sections 379 and 511 of IPC.

Learned counsel for the applicants argued that the applicants are innocent and have been falsely implicated. FIR is lodged against unknown persons and applicants have been arrayed only on account of his own memorandum. It is further argued that applicants are in custody since 24.1.2024. After conclusion of investigation, charge-sheet has already been filed, therefore, there is no requirement of further custodial interrogation of the applicants. Offence is triable by JMFC and trial is likely to take long time to conclude. Further argument is that applicants are the permanent residents of District Shivpuri (M.P.) and there is no possibility of their absconson or tampering with the prosecution evidence, if released on bail. Hence, he prays for grant of bail to the applicants.

Per contra, learned counsel for the State vehemently opposed the bail application and prayed for its dismissal.

Heard learned counsel for the rival parties and perused the case diary available on record.

Considering the facts and circumstances of the case, but without expressing any opinion on merits of the case, this application is allowed and it is directed that the applicants be released on bail on each of them furnishing a personal bond in the sum of Rs. 50,000 (Rupees Fifty Thousand Only) with one solvent surety in the like amount to the satisfaction of the trial Court/committal Court.

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

- 1) The applicants will comply with all the terms and conditions of the bond executed by them;
- 2) The applicants will cooperate in the investigation/trial, as the case may be;
- 3) The applicants will not indulge themselves in extending inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to the Police Officer, as the case may be;
- 4) The applicants shall not commit an offence similar to the offence of which they are accused. In case offence of same nature is repeated, this bail order shall automatically stand cancelled;
- 5) The applicants will not seek unnecessary adjournments during the trial; and
- 6) The applicants will not leave India without previous permission of the trial Court/Investigating Officer, as the case may be.

Learned State counsel is directed to send an e-copy of this order to the Station House Officer of the concerned Police Station for information and necessary action.

E- copy of this order be sent to the trial Court concerned for compliance, if possible, by the office of this Court.

Certified copy as per rules.