

(2022) 02 MP CK 0159

In the Madhya Pradesh High Court

Case No : Miscellaneous Criminal Case No.9217 Of 2022

Ganiya @ Ganu

APPELLANT

Vs

State Of Madhya Pradesh Station

RESPONDENT

Date of Decision : 22-02-2022

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 437(3), 439
Indian Penal Code, 1860 — Section 342, 363, 365, 506
Arms Act, 1959 — Section 25B

Citation : (2022) 02 MP CK 0159

Hon'ble Judges : Subodh Abhyankar, J

Bench : Single Bench

Advocate : Akash Rathi, Vaibhav Bhagwat

Final Decision : Allowed

Judgement

Subodh Abhyankar, J

They are heard and perused the case diary.

This is applicant's third bail application filed under Section 439 of Cr.P.C. The applicant is implicated in connection with Crime No.45/2021 registered at Police Station-Tanda, District-Dhar MP) for offence punishable under Sections 363, 365, 342, 506 of the IPC and 25-B of the Arms Act. The applicant is in custody since 18.2.2021.

Applicant's earlier bail applications No. 63492/2021 and 44418/2021 were dismissed by this Court as withdrawn vide orders dated 03.1.2022 and 22.9.2021 respectively.

Counsel for the applicant has submitted that now the material witnesses have already been examined in court and not supported the case of the prosecution. It is further submitted that the applicant is in jail since 13.3.2021 and conclusion of the trial is likely to take sufficiently long time. In such circumstances, it is prayed that the application be allowed and the applicant be released on bail

Counsel for the State, on the other hand, has opposed the prayer and submitted that no case for grant of bail is made out.

On due consideration of the rival submissions and on perusal of the case diary as also the deposition of the material witnesses and the final conclusion of the trial is likely to take sufficiently long time, this Court finds force with the contentions raised by the counsel for the applicant. Accordingly, without reflecting anything on the merits of the case, the application filed by under Section 439 of Cr.P.C. on behalf of the applicant is hereby 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 only) with one solvent surety of the like amount to the satisfaction of the trial Court for his/her regular appearance before the trial Court during trial with a condition that he / she 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 further observed that if the applicant is again found to be involved in any other offence during the trial, this order shall stand cancelled automatically without reference to the Court and the police will be at liberty to arrest the applicant in the present case also.

This order shall be effective till the end of the trial, however, in case of bail jump, it shall become ineffective.

Certified copy, as per rules.