
(2022) 07 MP CK 0018

In the Madhya Pradesh High Court

Case No : Miscellaneous Criminal Case No.33389 Of 2022

Ganpat @ Ganesh

APPELLANT

Vs

State Of Madhya Pradesh And Others

RESPONDENT

Date of Decision : 09-07-2022

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 437(3), 439

Citation : (2022) 07 MP CK 0018

Hon'ble Judges : Vivek Agarwal, J

Bench : Single Bench

Advocate : Kamal Singh Rajput, Aditya Narayan Gupta

Final Decision : Allowed

Judgement

Vivek Agarwal, J

This is first bail application filed on behalf of applicant-Ganpat @ Ganesh S/o Madan Bhilala, aged about 28 years, under Section 439 of Cr.P.C. in connection with Crime No.121/2022 for offence punishable under 8/20 of N.D.P.S. Act registered at Police Station Moondi, Distt. Khandwa (M.P). The applicant is in custody since 13/05/2022.

Learned counsel for the applicant submits that applicant is innocent and he is falsely implicated in this case. The applicant has been made an accused on the basis of memorandum of co-accused. No recovery has been made from his possession. The recovery of cannabis has been made from the joint possession of Anita and Kallu. There is no criminal history of the applicant. The trial will take sufficient time for its conclusion. The applicant is a permanent resident of District Khargon and there is no likelihood of his absconding and tampering with the prosecution evidence. On these grounds, prayer is made to enlarge the applicant on bail.

Learned Panel Lawyer, on the other hand, opposes the bail application and prays for its rejection.

Taking these facts into consideration, without commenting on the merits of the case, this bail application is allowed.

It is directed that applicant Ganpat @ Ganesh be released on bail on his furnishing a personal bond to the tune of Rs.50,000/- (Rupees Fifty Thousand Only) with two solvent sureties in the like amount to the satisfaction of the learned Trial Court to appear before the said Court on the dates given by the concerned Court during pendency of trial. It is further directed that the applicant shall comply with the provisions of Section 437(3) of the Cr.P.C.

This order shall be effective till the end of the trial, however, in case of bail jump and breach of any of the pre-condition of bail, it shall become ineffective.

In view of the outbreak of new mutant Omicron of Covid-19, the jail authorities and the State Government are directed to follow the guidelines issued by the Health Ministry in the wake of Novel Corona Virus before and after releasing the applicant.

Certified copy as per rules.