

(2021) 06 MP CK 0153

In the Madhya Pradesh High Court

Case No : Miscellaneous Criminal Case No.30429 Of 2021

Giriraj Dangi S/O Balchandra Dangi

APPELLANT

Vs

State Of Madhya Pradesh

RESPONDENT

Date of Decision : 22-06-2021

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 161, 437(3), 439
Indian Penal Code, 1860 — Section 147, 148, 149, 307, 342, 332, 353, 332, 365,
395, 397, 427 Dowry Prohibition Act, 1961 — Section 3, 4

Citation : (2021) 06 MP CK 0153

Hon'ble Judges : Subodh Abhyankar, J

Bench : Single Bench

Advocate : Vivek Singh, Vikas Jaiswal

Final Decision : Allowed

Judgement

Subodh Abhyankar, J

This is the applicants' first application under Section 439 of Criminal Procedure Code, 1973, as he/she is implicated in connection with Crime

No.243/2019, registered at Police Station- Khilchipur, District-Rajgarh (MP) for offence punishable under Sections 395, 397, 307, 342, 353, 332, 365,

427, 147, 148, 149 of the IPC and under Sections 3 / 4 of Damage to Public Property Act.

The applicant is in custody since 14.10.2019.

The allegation against the applicant is that he along with the other co-accused was involved in the aforesaid offence by holding the Police personnel in

their custody and also robbed their valuables.

Learned counsel for the applicant has submitted that the applicant is in jail since 14.10.2019 and till date only the charges have been framed, however

not a single witness has been examined. It is further submitted that the valuables have already been recovered at the instance of the other co-accused persons and the name of the applicant was not mentioned in the FIR as still taken for the first time in the statement recorded under Section 161 of the Cr.P.C. on the same day. So far as the injuries received to the police personnel are concerned, it is submitted that simple injuries were suffered by them. It is further submitted that there are no other case registered against the applicant and the final conclusion of the trial is likely to take sufficiently long time. Therefore, it is prayed that the bail application be allowed.

Learned Panel Lawyer for the respondent/State has opposed the prayer and it is submitted that the applicant is involved in serious offence of holding the police personnel in their custody and also robbed their valuables and hence, no case for grant of bail is made out. However, it is not denied that there are no other case registered against the applicant and the name of the applicant does not find placed in the F.I.R.

Having considered the rival submissions, on perusal of the case diary, this Court finds forced with the contention raised by the counsel for the applicant, taking note of the fact that there are no other criminal case registered against the applicant and the applicant is in jail since 14.10.2019, this Court finds that the applicant is entitled to be released on bail subject to deposit a sum of Rs.20,000/- (Rupees Twenty Thousand only), and the said amount shall be subject to the final outcome of the case by the trial Court.

It is further directed that upon applicant's depositing a sum of Rs.20,000/- (Rupees Twenty Thousand only) in a fixed deposit in a nationalized Bank and producing the receipt/certificate of the same before the concerned trial Court, they shall be released on bail on his furnishing a bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with one surety bond of the same amount each to the satisfaction of the trial Court, to appear before the trial Court on the dates given by the Court. The deposit receipt/certificate so produced by the applicant shall be endorsed by the learned Judge of the lower Court to be, 'furnished towards the bail of the applicants and shall be subject to the final decision of the case by the trial Court'.

It is also directed that the applicant will abide by all the conditions enumerated under Section 437(3) of the Cr.P.C.

It is made clear 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.

Certified copy as per rules.