

(2022) 10 MP CK 0003

In the Madhya Pradesh High Court

Case No : Miscellaneous Criminal Case No.48226 Of 2022

Golu @ Shesh Bhan Yadav

APPELLANT

Vs

State Of Madhya Pradesh

RESPONDENT

Date of Decision : 11-10-2022

Acts Referred:

Indian Penal Code, 1860 — Section 392

Madhya Pradesh Dakaiti Aur Vyapharan Prabhavit Kshetra Adhiniyam, 1981 — Section 11, 13

Arms Act, 1959 — Section 25, 27

Citation : (2022) 10 MP CK 0003

Hon'ble Judges : Sunita Yadav, J

Bench : Single Bench

Advocate : Bal Krishna Sharma, Ravindra Singh Kushwah

Final Decision : Allowed

Judgement

Sunita Yadav, J

The applicant has filed this first application u/S 439, Cr.P.C. for grant of bail.

The applicant has been arrested by Police Station Govardhan, District Shivpuri (M.P.) in connection with Crime No. 67 of 2022 registered for the offence punishable under Section 392 of IPC, Section 11/13 of MPDVPK Act and Section 25/27 of Arms Act.

Allegation against the present applicant - accused is that he along with other co-accused persons committed robbery of Rs.30,000/- cash, one silver chain and one golden nose ring from the complainant.

Learned counsel for the applicant argued that the applicant is innocent and has been falsely implicated. As per prosecution story, the FIR was lodged against unknown persons, who had covered their face with safi. The identification parade has been conducted after a delay of almost two months from the date of arrest of the applicant. Further argument is that the applicant is in custody since

17.6.2022. He has no criminal history. He is the permanent resident of Village - Heerapura, P.S. Gaswani, District Sheopur (M.P.) and there is no possibility of his absconson or tampering with the prosecution evidence. Hence, he prays for grant of bail to the applicant.

On the other hand, learned State counsel opposed the application and prayed for its rejection.

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 applicant be released on bail on furnishing a personal bond in the sum of Rs. 1,00,000/- (Rupees One Lakh only) with two solvent sureties 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 applicant:-

- 1) The applicant will comply with all the terms and conditions of the bond executed by him/her;
- 2) The applicant will cooperate in the investigation/trial, as the case may be;
- 3) The applicant will not indulge himself/herself 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 applicant shall not commit any offence during pendency of the trial, failing which, this bail order shall stand cancelled automatically without further reference to the Bench;
- 5) The applicant will not seek unnecessary adjournments during the trial; and
- 6) The applicant 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.