

(2021) 12 MP CK 0049

In the Madhya Pradesh High Court

Case No : Miscellaneous Criminal Case No.61974 Of 2021

Harsh Sisodiya

APPELLANT

Vs

State Of Madhya Pradesh

RESPONDENT

Date of Decision : 16-12-2021

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 437(3), 439
Indian Penal Code, 1860 — Section 394, 395, 397
Arms Act, 1959 — Section 25

Citation : (2021) 12 MP CK 0049

Hon'ble Judges : Vivek Rusia, J

Bench : Single Bench

Advocate : Ranjeet Sen

Final Decision : Allowed

Judgement

Vivek Rusia, J

This is the second bail application filed by the under Section 439 of Cr.P.C. He is in custody since 09/02/2021 in connection with Crime No.122/2021 registered at Police Station - Bhawarkua, Indore (M.P.) for the offences punishable under Section 394, 395 and 397 of Indian Penal Code, 1860 read with Section 25 of the Arms Act.

As per prosecution Story, six accused persons have committed loot of Rs.09 Lacs from Suresh Goyal (PW-2) on 08/02/2021 near about 09:00 PM. On the said day Suresh Goyal was returning from is office in his Car and Laxminarayan Sharma (PW-1) was driving his car. In parking lot accused persons assaulted Suresh Goyal and snatched his bag in which he kept Rs.09 Lacs, cheque book and Aadhar Card of his son. After registration of FIR, all the accused persons were arrested and from their possession all the looted articles were recovered including the cash. From the possession of the present applicant Rs.1,63,000/- were recovered.

Prosecution has examined Suresh Goyal (PW-2), his driver Laxminarayan (PW-3) and Aaryan Pawar (PW-1), in which they did not identify the present applicant. According to them there was dark and therefore, they could not identify the applicant. However, Suresh Goyal has taken back the looted amount by way of Supurdginama from the Court. The applicant did not object the aforesaid withdrawal of the amount. Learned counsel further submits that the applicant is youth of 21 years of age and is in custody with the hardened criminals for the longer period which may effect his mental status and future. On such premise, prays for grant of bail.

On the other hand, learned counsel appearing for the respondent/State opposes the bail application by submitting that the looted articles including amount so looted was recovered from the possession of the present applicant and therefore, he is not entitled for enlargement on bail.

In view of the aforesaid facts and circumstances of the case and the evidence collected against the applicant, without further commenting anything upon the merits of the case, it would be appropriate to enlarge the applicant on bail.

Accordingly, bail application is allowed and the applicant is directed to be released on bail upon his furnishing personal bond in the sum of Rs.40,000/- (Rupees Forty Thousand Only) with separate solvent surety in the like amount to the satisfaction of the trial Court for his regular appearance before the trial Court during the trial with a condition that he shall remain present before the Court concerned during the trial and shall also abide by the conditions enumerated under Section 437(3) Cr.P.C.

Before releasing the applicant from custody the jail authorities are directed to medically examine him in order to rule out the possibility of COVID-19 infections and shall comply with the direction given by the Hon'ble Apex Court in Writ Petition No.01/2020.

Certified copy as per rules.