

(2023) 10 MP CK 0075

In the Madhya Pradesh High Court

Case No : Miscellaneous Criminal Case No. 45800 Of 2023

Kalu Alias Vishal Jatav

APPELLANT

Vs

State Of Madhya Pradesh

RESPONDENT

Date of Decision : 18-10-2023

Acts Referred:

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

Indian Penal Code, 1860 — Section 399, 400, 402

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

Arms Act, 1959 — Section 25, 27

Citation : (2023) 10 MP CK 0075

Hon'ble Judges : Satyendra Kumar Singh, J

Bench : Single Bench

Advocate : Anshu Gupta, Dinesh Savita

Final Decision : Allowed/Disposed Of

Judgement

Satyendra Kumar Singh, J

1. Case diary is available.

2. This is second application filed under Section 439 of Cr.P.C for grant of bail to the applicant, as he has been arrested on 5.7.2023 in connection with Crime No.125/2018 registered at Police Station Bahodapur, District Gwalior (M.P.) for commission of offence punishable under Sections 399, 400, 402 of IPC, under Section 11/13 of MPDVPK Act and under Section 25/27 of the Arms Act.

3. Applicant's first application filed under Section 439 of Cr.P.C. was allowed vide order dated 24.5.2018 passed in M.Cr.C.No.13109/2018.

4. Prosecution case, in brief, is that on 22.2.2018 the applicant along with other co-accused persons armed with deadly weapon 0.315 bore pistol, knife, sword assembled for making preparation to commit dacoity. The applicant was having 0.315 bore country made pistol along with one live cartridge.

5. Learned counsel for the applicant submits that the applicant was enlarged on bail vide order dated 25.4.2018 but during Covid-19 pandemic he could not appear before the Trial Court on 25.8.2021, therefore, non-bailable warrant of arrest was issued against him, in pursuance of which he was arrested and he is in custody since 5.7.2023. His absence was not intentional. He is in custody for more than three months. Trial will take time for its conclusion. Hence, prayer is made to enlarge the applicant on bail.
6. Learned counsel for the respondent/State opposes the application and prayed for its rejection.
7. Having considered the rival submissions, material pointed out by learned counsel for the applicant and the fact that he was earlier enlarged on bail and he is in custody for more than three months, without commenting anything on the merits of the case, the application is allowed.
8. It is directed that the applicant be released on bail upon his furnishing personal bond in the sum of Rs.50,000/- (Rupees Fifty thousand only) with a solvent surety in the like amount to the satisfaction of the concerned Court for his appearance before the Trial Court on all such dates as may be fixed in this behalf by the Trial Court during the pendency of trial. It is further directed that applicant shall comply with the provisions of Section 437 (3) of Cr. P. C.
9. This application is allowed and stands disposed of.
10. Certified copy, as per Rules.