
(2022) 07 MP CK 0006

In the Madhya Pradesh High Court

Case No : Miscellaneous Criminal Case No. 30989, 31408 Of 2022

Kamal Singh And Others

APPELLANT

Vs

State Of Madhya Pradesh

RESPONDENT

Date of Decision : 08-07-2022

Acts Referred:

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

Indian Penal Code, 1860 — Section 34, 379, 413, 414, 419, 420, 468, 471, 482, 483

Evidence Act, 1872 — Section 27

Citation : (2022) 07 MP CK 0006

Hon'ble Judges : Rajendra Kumar Verma, J

Bench : Single Bench

Advocate : Saaransh Jain, Amit Singh Sisodia, Vikas Yadav

Final Decision : Allowed

Judgement

Rajendra Kumar (Verma), J

These are first applications under Section 439 of Criminal Procedure Code, 1973, filed by the applicants for grant of bail during trial.

The applicants are facing trial in connection with Crime No.408/2020 registered at Police Station-Khategaon, District-Dewas, for offence under Sections 379, 413, 414, 419, 420, 468, 471, 482, 483, 34 of IPC, 1860. The applicants are in jail since 31.12.2021 and 29.12.2021 respectively.

Allegation against the applicants is that of commission of theft of Swift Deziere Car bearing Registration No.MP 41 CA 5931 belonging to the complainant. Accordingly case has been registered against the applicants. Learned counsel for the applicants has submitted that the applicants are innocent and have been falsely implicated in the present crime. They have been implicated on the basis of the memorandum recorded under Section 27 of the Indian Evidence Act. Nothing has been seized from the applicants. There is no evidence on record to prove that the vehicle was stolen by the applicants. The applicants are in custody since

31.12.2021 and 29.12.2021 respectively. Investigation is over and charge sheet has been filed and conclusion of trial will take sufficient long time. Co-accused Shivaji, Palchand and Mithlesh have been enlarged on bail vide orders dated 13.05.2022 and 22.06.2022 in M.Cr.C.Nos.20319/2022, 18536/2022 and 30989/2022 respectively. Under these circumstances, learned counsel prays for grant of bail to the applicants.

Learned Govt. Advocate has opposed the applications and prayed for its rejection.

Looking to the facts and circumstances of the case, on a perusal of the material available on record including the case diary, without commenting on the merits of the case, these applications are allowed.

It is directed that the applicants/accused persons be released on bail on their furnishing a personal bond in the sum of Rs.50,000/- (Rupees Fifty Thousand Only) with two separate local sureties each in the sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each to the satisfaction of the trial court for securing their presence before the said Court on all the dates of hearing fixed in this regard during trial. It is also directed that the applicants shall comply with the provisions of Section 437(3) Cr.P.C.

By way of abundant caution, it is further directed that the applicants shall also mark their presence in the concerned police station on every Saturday between 10.00 am to 12.00 noon during pendency of the trial. Any default in attendance in court and marking presence in the concerned police station, would result in cancellation of bail granted by this Court thereby entitling the police to take the applicants in custody immediately.

In view of the outbreak of 'Corona Virus disease (COVID-19)' the concerned jail authorities are directed to follow the directions/guidelines issue by the Government with regard to 'COVID-19' before releasing the applicants.

This order shall remain effective till the end of the trial but in case of bail jump and breach of any of the precondition of bail, it shall become ineffective and cancelled without reference to this Bench.

Certified Copy as per rules.