

(2021) 03 MP CK 0059

In the Madhya Pradesh High Court

Case No : Miscellaneous Petition No. 13896 Of 2021

Komal Singh Jadon

APPELLANT

Vs

State Of Madhya Pradesh

RESPONDENT

Date of Decision : 12-03-2021

Acts Referred:

Indian Penal Code, 1860 — Section 302
Code Of Criminal Procedure, 1973 — Section 439
Madhya Pradesh Excise Act, 1915 — Section 34(2)

Citation : (2021) 03 MP CK 0059

Hon'ble Judges : Vishal Mishra, J

Bench : Single Bench

Advocate : Puran Kulshreshtha, Kaushlendra Singh Tomar

Final Decision : Dismissed

Judgement

Vishal Mishra J

This is second bail application u/S.439 Cr.P.C filed by the applicant for grant of bail. The applicant has been arrested on 19.1.2021 by Police Station Sumawali district Morena in connection with Crime No.03 of 2021 registered in relation to the offence punishable u/S.34 (2) of the Excise Act. His first application being M.Cr.C.no.8187 of 2021 was dismissed as withdrawn with liberty to repeat the same mentioning the outcome of the status of the cases pointed out by the State counsel vide order dated 12.2.2021.

It is submitted by counsel for the applicant that the applicant has been falsely implicated in the case and he has not committed any offence. Investigation is over in the matter and the charge sheet has already been filed. As far as criminal history of the applicant is concerned, the prosecution has pointed out that the applicant is having criminal history of sixteen cases and he has filed copies of the order in seven cases wherein, he has already been acquitted and in remaining cases, he is on bail. On these grounds, he prayed for grant of bail to the applicant.

Per contra, learned counsel appearing for the State has opposed the application stating that applicant is a habitual offender and he is having criminal history of sixteen cases including the offences registered under Section 302 of IPC. Some of the offences are heinous in nature. He further submits that at times, the applicant has committed offence under excise act. Under these circumstances, he has prayed for dismissal of the application.

Considering the over all facts and circumstances of the case and also the fact that the applicant is a habitual offender and repeatedly committed the offences one after the another, this court is not inclined to allow this bail application.

This application is therefore, rejected.