

(2023) 02 MP CK 0047

In the Madhya Pradesh High Court

Case No : Miscellaneous Criminal Case No. 7855 Of 2023

Lucky Raghuwanshi

APPELLANT

Vs

State Of Madhya Pradesh

RESPONDENT

Date of Decision : 17-02-2023

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 437(3), 439
Indian Penal Code, 1860 — Section 34, 120B, 304, 328,
Madhya Pradesh Excise Act, 1915 — Section 34(1), 36(A), 49(A)

Citation : (2023) 02 MP CK 0047

Hon'ble Judges : Subodh Abhyankar, J

Bench : Single Bench

Advocate : Rajat Raghuwanshi, Ajay Raj Gupta

Final Decision : Allowed

Judgement

Subodh Abhyankar, J

This is the applicant's second application under Section 439 of Criminal Procedure Code, 1973, as he is arrested in connection with Crime No.430/2021 registered at Police Station- Aerodrome, Indore (MP) for offence punishable under Sections 304, 328, 120-B, 308 and 34 of the IPC 49A), 34(1) & 36(A) of the M.P. Excise Act. The applicant is in custody since 12.12.2022.

Counsel for the applicant has submitted that the applicant's first bail application-M.Cr.C.No.60373/2023 was dismissed by this Court vide order

dated 09.12.2022 with liberty to renew the prayer after completion of two months of incarceration and as such he has completed two months of incarceration and the charge sheet has already been filed and the applicant is lodged in jail since 12.12.2022 and the final conclusion of the trial is likely to take a long time. Thus, it is submitted that the applicant be released on bail.

Counsel for the respondent / State, on the other hand, has opposed the prayer.

On due consideration of rival submissions and perusal of the case-diary as also the earlier order passed by this Court in M.Cr.C.No.60373/2022, this Court finds it expedient to allow the bail application. Accordingly, without commenting anything on merits of the matter, the present application for grant of bail is allowed.

The applicant is directed to be released on bail on his furnishing a personal bond in the sum of Rs.25,000/-(Rupees Twenty Five Thousand only) with one surety in the like amount to the satisfaction of the Trial Court for his appearance, as and when directed. It is also directed that the applicant shall abide by the conditions as enumerated under Section 437(3) of Cr.P.C.

This order shall be effective till the end of the trial, however, in case of bail jump, it shall become ineffective.

Certified copy, as per rules.