
(2021) 05 MP CK 0052

In the Madhya Pradesh High Court

Case No : Miscellaneous Criminal Case No.19642, 20072, 22059 Of 2021

Mohammad Sageer S/O Abdul Satta And Others

APPELLANT

Vs

State Of Madhya Pradesh

RESPONDENT

Date of Decision : 11-05-2021

Acts Referred:

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

Indian Penal Code, 1860 — Section 120B, 149, 323, 365, 386, 506

Arms Act, 1959 — Section 25, 27

Citation : (2021) 05 MP CK 0052

Hon'ble Judges : Subodh Abhyankar, J

Bench : Single Bench

Advocate : Amar Singh Rathore, S.I. Ansari, Manish Yadav, Siddharth Jain

Final Decision : Allowed

Judgement

Subodh Abhyankar, J

This order shall also govern the disposal of Miscellaneous Criminal Case No. No.20072/2021 and Miscellaneous Criminal Case No.22059/2021, as all

these three applications have arisen out of Crime No.572/2019.

These are the applicants' repeat applications under Section 439 of Criminal Procedure Code, 1973, as they are arrested in connection with Crime

No.572/2019 registered at Police Station Kishanganj, Mhow District Indore (MP) for offence punishable under Sections 365, 386, 323, 506, 149 and

120-B of the Indian Penal Code, 1860 and also under Sections 25 and 27 of the Arms Act, 1959.

The applicants are in custody since 18.12.2019 and 18.11.2019 and 20.02.2019 respectively.

Shri Amar Singh Rathore, learned counsel for the applicant Mohammad Sageer in

Miscellaneous Criminal Case No.19642/2021 has submitted that this is the applicant's third bail application and his earlier application Miscellaneous Criminal Case No.42522/2020 was dismissed by this Court on 01.12.2020 with liberty to renew the prayer after examination of the complainant. Counsel has submitted that subsequently the complainant Mohammad Salim (PW-3) was examined in the trial Court on 03.04.2021 and has not supported the case of the prosecution. It is further submitted that even the other material prosecution witnesses (PW-1 and PW-2) have also been examined, who have not supported the prosecution case. Copies of their deposition have also been placed on record.

Counsel has submitted that the applicant is in jail since 18.12.2019 and the final conclusion of the trial is likely to take sufficiently long time on account of COVID-19 situation.

Counsel for the respondent / State, on the other hand, has opposed the prayer and it is submitted that no case for grant of bail is made out.

Having considered the rival submissions and on perusal of the earlier orders passed by this Court as also the depositions of the witnesses, who have not supported the prosecution case, this Court finds that the applicants have made out a case for grant of bail.

Accordingly, without commenting on the merits of the case, the applications filed by the applicants are allowed. The applicants are directed to be released on bail upon each of them furnishing a personal bond in the sum of Rs.50,000/- (Rupees Fifty Thousand) with one solvent surety of the like amount to the satisfaction of the trial Court for their regular appearance before the trial Court during trial, with a condition that they shall remain present before the court concerned during trial and shall also abide by the conditions enumerated under Section 437 (3) Criminal Procedure Code, 1973.

It is also observed that after their release on bail, if the applicants are found in any criminal activities, the present bail order shall stand automatically cancelled without further reference to this Court; and the State / prosecution will be free to arrest the accused in the present case also.

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.