

(2022) 05 MP CK 0025

In the Madhya Pradesh High Court

Case No : Miscellaneous Criminal Case No.22387 Of 2022

Rajju @ Kushal Yadav

APPELLANT

Vs

State Of Madhya Pradesh

RESPONDENT

Date of Decision : 07-05-2022

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 439

Indian Penal Code, 1860 — Section 386

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

Citation : (2022) 05 MP CK 0025

Hon'ble Judges : Vishal Mishra, J

Bench : Single Bench

Advocate : Ram Kishore Patel, Pramod Pandey

Final Decision : Allowed

Judgement

Vishal Mishra, J

This is the First bail application under Section 439 of Cr.P.C filed by the applicant for grant of bail.

The applicant has been arrested on 25.3.2022 by Police Station Majhgawan, District-Satna (M.P.) in connection with Crime No.86/2015 for the offence punishable under Sections 386 of IPC and Section 11/13 of M.P. D. & A.E.R. Act, 1981.

It is submitted that applicant has been falsely implicated in the case and he has not committed any offence in any manner. The only allegation against the present applicant is that he is a member of group who is committing the dakaity and no other allegations are made against the present applicant. The applicant is in custody since 25.3.2022. He is ready to abide by all terms and conditions that may be imposed by this Court while considering this bail application; therefore, prays for grant of bail.

Per contra, learned counsel appearing for the State has vehemently opposed the prayer stating that the applicant is a habitual offender having another case registered in the year 2015. It is submitted that he is a member of group who has committed daccati and he is absconded for a considerable period.

Considering the overall facts and circumstances of the case, without commenting upon the merits of the case, this Court deems it appropriate to allow this application. The applicant be released on bail on furnishing surety bond of Rs.50,000/-(Rupees Fifty Thousand Only) with one solvent surety in the like amount to the satisfaction of trial Court.

The applicant is directed to mark his presence before the concerning Police Station in first week of every month till the conclusion of investigation and filing of charge-sheet and is directed to cooperate in the investigation. In case of failure to cooperate, the bail granted by this Court shall stand rejected automatically.

In view of the COVID-19, jail authorities are directed to follow the Covid Protocol guidelines before releasing the applicant.

This order will remain operative subject to compliance of the following conditions by the applicant :-

1. The applicant will comply with all the terms and conditions of the bond executed by him;
2. The applicant will cooperate in the investigation/trial, as the case may be;
3. The applicant will not indulge himself in extending inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to the Police Officer, as the case may be;
4. The applicant shall not involve any other offence in future and in case the applicant indulge in any other criminal case in future, the benefit of bail as extended by this Court shall automatically cancelled;
5. The applicant will not seek unnecessary adjournments during the trial;
6. The applicant will not leave India without previous permission of the trial Court/Investigating Officer, as the case may be;
- 7 . The applicant will inform the concerned S.H.O. of concerned Police Station about his residential address in the said area and it would be the duty of the Public Prosecutor to send E-copy of this order to SHO of concerned police station as well as Superintendent of Police concerned who shall inform the concerned SHO regarding the same.

Application stands allowed and disposed of.

Certified copy as per rules.