
(2021) 04 MP CK 0025

In the Madhya Pradesh High Court

Case No : Miscellaneous Criminal Case No.16604 Of 2021

Rampal @ Gilly Dixit And Others

APPELLANT

Vs

State Of Madhya Pradesh

RESPONDENT

Date of Decision : 07-04-2021

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 437(3), 439
Madhya Pradesh Excise Act, 1915 — Section 34(2)
Arms Act, 1959 — Section 25, 27

Citation : (2021) 04 MP CK 0025

Hon'ble Judges : Anjuli Palo, J

Bench : Single Bench

Advocate : B.J. Chourasiya, Nalini Gurang

Final Decision : Disposed Of

Judgement

Anjuli Palo, J

This is the first application filed by the applicants under Section 439 of the Cr.P.C. seeking regular bail.

The applicants are in custody since 2.3.2021 in connection with Crime No.58/2021 registered at P.S. Gorihar, District Chhatarpur for the offences punishable under Sections 34(2) of the M.P. Excise Act and Section 25/27 of the Arms Act.

Learned counsel for the applicants submits that the applicants have been falsely implicated in the case. As per prosecution's case, about 60 bulk liters of illicit liquor along with country made pistol and some live cartridges is alleged to have been seized from the possession of the applicants. The applicants are in custody and trial would take considerable time to conclude, therefore, they may be released on bail. Learned Panel Lawyer has opposed the application and submits that applicant Rampal is a habitual offender. Previously two cases have been registered against him in the year 2005 and 2008 again a country made pistol

has been seized from his possession.

Considering the overall facts and circumstances of the case and period of custody of the applicants, I deem it appropriate to release the applicants on bail, therefore, without commenting on the merits of the case, the application is allowed.

It is directed that applicants Rampal @ Gilly Dixit and Ashok Dixit shall be released on bail on their furnishing a personal bond in a sum of Rs.50,000/- (Rupees Fifty Thousand Only) each with one surety in the like amount to the satisfaction of the trial Court concerned for their appearance before the said Court on all such dates as may be fixed in this regard during the pendency of trial.

It is further directed that the applicant shall comply with the provisions of Section 437(3) of the Cr.P.C.

It is made clear that if the applicants are found involved in similar offence in future, this order shall become ineffective.

The jail authorities shall have the applicant checked by the jail doctor to ensure that they are not suffering from the Corona virus and if they are, they shall be sent to the nearest hospital designated by the State for treatment. If not, they shall be transported to their place of residence by the jail authorities.

Disposed of accordingly.