
(2021) 02 MP CK 0013

In the Madhya Pradesh High Court

Case No : Miscellaneous Criminal Case No.5016 Of 2021

Sachin And Others

APPELLANT

Vs

State Of M.P

RESPONDENT

Date of Decision : 01-02-2021

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 437(3), 439
Indian Penal Code, 1860 — Section 394, 395

Citation : (2021) 02 MP CK 0013

Hon'ble Judges : J. P. Gupta, J

Bench : Single Bench

Advocate : Harshwardhan Pathak, Prateek Pawardhan

Final Decision : Allowed

Judgement

J.P. Gupta, J

This is first bail application filed by the applicants under Section 439 of the Cr.P.C. for grant of bail, who are in custody since 13/10/2020 and

12/10/2020 respectively in connection with Crime No. 470/2020 registered at Police Station - Kasrawad for the offence punishable under Sections 394

and 395 of IPC.

Allegation against the applicants is that they along with more than three persons committed loot / decoity on the petrol-pump.

It is submitted that the applicants are innocent. Applicant no. 1 is in custody since 13/10/2020 while applicant no.2 since 12/10/2020. Charge sheet has

been filed. Trial will take considerable time to conclude. They have no criminal antecedent. There is no likelihood of their absconding or tampering

with the witnesses. Apart from it, FIR is against unknown persons and no incriminating material has been seized from the possession of the applicants.

They have also not been identified during test identification parade by the complainant/s, therefore, it is a case of no evidence, even though the applicants have been prosecuted and are in custody for long time, therefore, they are entitled to get the benefit of bail.

Learned P.L., opposed the application and prayed for rejection of the same.

Having considered the contentions of learned counsel for the parties, facts and circumstances of the case and perusing the record, without commenting anything on the merits of the case, in view of this court, it is a fit case to grant bail.

Accordingly, this application is allowed. Applicants Sachin and Ritesh are directed to be released on bail on their furnishing a personal bond in a sum

of Rs. 25,000/- (Rs. Twenty Five Thousand only) each with a solvent surety each in the like amount to the satisfaction of the trial court for their

appearance before the trial Court on the dates so fixed by that Court during trial. It is directed that applicants shall comply the provisions of Section

437(3) Cr.P.C.

Certified copy as per rules.