

(2024) 04 MP CK 0131

In the Madhya Pradesh High Court

Case No : Miscellaneous Criminal Case No. 15276 Of 2024

Udiya @ Udaysingh @ Goldi

APPELLANT

Vs

State Of Madhya Pradesh

RESPONDENT

Date of Decision : 16-04-2024

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 437(3), 439
Indian Penal Code, 1860 — Section 380, 457

Citation : (2024) 04 MP CK 0131

Hon'ble Judges : Prakash Chandra Gupta, J

Bench : Single Bench

Advocate : Vijay Sharma, Viraj Godha

Final Decision : Allowed

Judgement

Prakash Chandra Gupta, J

Heard with the aid of case diary.

1. This is second application filed under Section 439 of Cr.P.C. for grant of bail to the applicant/accused, relating to FIR/Crime No.449/2023 dated (not mentioned) registered at Police Station : Barwani, District Barwani (M.P.) for commission of offence punishable under Sections 457 and 380 of IPC.

2. The first application was dismissed as withdrawn vide order dated 23.09.2023 passed in MCRC No.42405/2023.

3. Prosecution story, in brief is that in the night of 13.05.2023, some unknown persons after breaking the lock of door of complainant's house had stolen a motorcycle bearing registration No.MP-46/ZB/2493 and an old television from his house. Matter was reported on 24.05.2023 against the unknown persons. During investigation, stolen motorcycle was recovered at the instance of the present applicant.

4. Learned counsel for the applicant/accused submits that the applicant has not

committed the offence and he has falsely been implicated in the case. Applicant is in custody since 01.06.2023 and has completed incarceration of more than 10 months. After completion of investigation, charge-sheet has been filed.

5. It is further submitted that criminal cases are pending against the applicant, but he is on bail in the aforesaid pending criminal cases. Conclusion of trial will take considerable long time for its disposal, therefore, it is prayed that the applicant be released on bail.

6. On the other hand, learned counsel for the non-applicant/State has opposed the prayer and submits that 17 criminals cases of similar nature are pending against the applicant therefore, he is not entitled for bail.

7. Having considered the rival submissions and after perusal of the case diary so also looking to the facts and circumstances of the case and also considering the custody period of the applicant, this Court is of the view that applicant deserves to be enlarged on bail, hence, without commenting on the merits of the case, the application is allowed.

8. It is directed that applicant - Udiya @ Udaysingh @ Goldi shall be released on bail on his furnishing a personal bond for a sum of Rs.50,000/-(Rupees Fifty thousand only) with a solvent surety in the like amount to the satisfaction of the concerned Court, for his appearance before the concerned Court regularly on all such dates as may be fixed in this regard during trial. It is further directed that applicant shall comply with the provisions of Section 437 (3) of Cr. P. C.

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

10. With the aforesaid, this application is allowed and stands disposed of.

Certified copy, as per Rules.