IN THE HIGH COURT OF MADHYA PRADESH AT INDORE

BEFORE

HON'BLE SHRI JUSTICE PREM NARAYAN SINGH

ON THE 2nd OF FEBRUARY, 2024

MISC. CRIMINAL CASE No. 1964 of 2024

BETWEEN:-

VIJENDRA S/O GEETAPRASAD,
AGED ABOUT 40 YEARS, OCCUPATION: LABOR
R/O KANJARDERA GRAM CHOTA BERASIYA
TEHSIL NARSIGHGARH DISTT. RAJGARH
(MADHYA PRADESH)

.....APPLICANT

(SHRI RAJ KUMAR SWARNKAR - ADVOCATE)

AND

THE STATE OF MADHYA PRADESH
STATION HOUSE OFFICER THROUGH
POLICE STATION NARSINGHGARH
DIST. RAJGARH (MADHYA PRADESH)

.....RESPONDENTS

(SHRI AJAY RAJ GUPTA - PANEL LAWYER)

This application coming on for admission this day, the court passed the following:

ORDER

Heard and perused the record.

This first bail application has been filed on behalf of the applicant under Section 439 of the Code of Criminal Procedure for grant of bail relating to Crime No.608/2023 dated (not mentioned), registered at Police Station-Narsinghgarh, District-Rajgarh (M.P.) for the offence under Sections 457, 380, 461 of IPC, 1860. The applicant is in custody since 05.10.2023.

2 . As per prosecution story, it is alleged that the applicant has

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committed theft of cash and gold & silver ornaments.

3. Learned counsel for the applicant submits that applicant is innocent and has been falsely implicated in this case. The applicant is HIV positive. He also submits that the co-accused Subey @ Subi @ Dubey has already been granted bail vide order dated 02.12.2023 in M.Cr.C. No. 290/2023. The case is triable by Judicial Magistrate First Class. The applicant is in jail since 05.10.2023 i.e. more than three months have been completed and final conclusion of trial will take sufficient long time. Under these circumstances, counsel prays for grant of bail to the applicant.

4. On the other hand, learned counsel for the State opposed the prayer and prayed for its rejection by submitting that there are thirteen criminal cases registered against the applicant.

5. In reply, counsel for the applicant submits that only on the basis of criminal antecedents, no one can be kept in jail for indefinite period.

6. After hearing learned counsel for the parties and looking to the facts and circumstances of the case as well as custody period of the applicant and also the case is triable by JMFC and the applicant is HIV positive, I am of the view that it is a case in which applicant may be released on bail. Consequently without commenting on the merits of the case, first bail application under Section 439 of the Code of Criminal Procedure for grant of bail filed on behalf of applicant, stands **allowed.**

7 . It is directed that the applicant/accused be released on bail on his furnishing a personal bond in the sum of **Rs.50,000/- (Fifty Thousand only)** with one solvent surety in the like amount to the satisfaction of the trial Court for securing his presence before the said Court on all the dates of hearing fixed in this regard during trial. It is also directed that the applicant shall comply with

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the provisions of Section 437(3) of the Cr.P.C.

8. This order shall be effective till the end of the trial. However, in case o f bail jump and breach of any of the conditions of bail, it shall become ineffective.

Certified copy as per rules.

(PREM NARAYAN SINGH)
JUDGE

sumathi

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