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. 4301 of 2024

BETWEEN:-

HANIF KHA S/O KALLU KHA,
AGED ABOUT 27 YEARS,
OCCUPATION: AGRICULTURE
R/O GRAM IMLIYA HUSAN TEHSIL SHYAMPUR
DISTT.SEHORE (MADHYA PRADESH)

.....APPLICANT

(SHRI SANTOSH KUMAR MEENA - ADVOCATE)

AND

THE STATE OF MADHYA PRADESH
STATION HOUSE OFFICER THROUGH
POLICE STATION KALAPIPAL
DISTT. SHAJAPUR (MADHYA PRADESH)

.....RESPONDENTS

(SHRI SAMEER VERMA- 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.327/2023 dated (not mentioned), registered at Police Station-Kalapipal, District-Shajapur (M.P.) for the offence under Sections 457 & 380 of IPC, 1860. The applicant is in custody since 11.01.2024.

2. Allegation against the applicant is that he is involved in the aforesaid

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Signing time: 03-02-2024 16:17:29

offence wherein Madhya Pradesh Gramin Bank, Khardaun Kalan Branch locks of channel gate, main gate and gate of strong room was broken and a licensed gun with 5 live cartridges of the security guard which was kept in the strong room has been stolen.

3. Learned counsel for the applicant submits that applicant is innocent and has been falsely implicated in this case. The case is triable by Judicial Magistrate First Class. There are no criminal antecedents against the applicant. The applicant is in jail since 11.01.2024 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, however, fairly admitted that there are no criminal antecedents against the applicant.

5. After hearing learned counsel for the parties and looking to the facts and circumstances of the case as well as there are no criminal antecedents against the applicant and also the case is triable by JMFC, 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.**

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

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7. 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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