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. 56297 of 2023

BETWEEN:-

PUSHPENDRA @ GOLU S/O BALURAM BHURIYA, AGED ABOUT 24 YEARS, OCCUPATION: LABOR R/O DIAMOND PALACE DAIRY LANE SIRPUR KANKAD CHANANNAGAR INDORE (MADHYA PRADESH)

.....APPLICANT

(SHRI YASH PAL RATHORE, LEARNED COUNSEL FOR THE PETITIONER .

AND

THE STATE OF MADHYA PRADESH STATION HOUSE OFFICER THROUGH POLICE STATION AERODRUM DIST. INDORE (MADHYA PRADESH)

.....RESPONDENTS

(SHRI AJAY RAJ GUPTA APPEARING ON BEHALF OF ADVOCATE GENERAL.

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

ORDER

This is first application filed on behalf of the applicant for grant of regular bail under Section 439 of the Code of Criminal Procedure, 1973 relating to FIR No.358/2023 dated (not mentioned), registered at Police Station-Aerodrum, District-Indore M.P.) for the offence punishable under Sections 454 and 380 of the Indian Penal Code, 1860. The applicant is in custody since 28.05.2023.

2. As per prosecution story, the allegation against the applicant is that he has committed theft.

3 . Learned counsel for the applicants submits that the applicant is

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innocent and has falsely been implicated in this case. It is further submitted that there is no recovery in the matter from the applciant. The applicant is in custody since 28.05.2023. Final conclusion of the trial is likely to take sufficient long time, therefore, it is prayed that the application be allowed and the applicants be released on bail.

4. Counsel for the respondent/State, on the other hand, has opposed the prayer and prays for its rejection by submitting that the applicant is having 17 criminal records of similar nature. However, in reply, counsel for the applicant submits that no one can be kept in custody for indefinite period on the basis of record.

Having taken into consideration all the facts and circumstances of the case, custody period of the applicant, I am inclined to release the applicant on bail. Consequently, without commenting anything on the merits of the case, bail application under Section 439 of the Code of Criminal Procedure filed on behalf of applicant, stands **allowed.**

6. It is directed that applicant be released on bail on his furnishing a personal bond in the sum of **Rs.50,000/- (Rupees Fifty thousand only)** with one solvent surety in the like amount to the satisfaction of the trial Court, for his regular appearance before the trial Court during trial with a condition that he shall remain present before the concerned Court on all the dates fixed by it during trial. He shall abide by all the conditions enumerated under Section 437(3) of Cr.P.C.

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

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However, after being enlarged on bail, the applicant shall mark his presence before the concerned police station on every first and fourth Sunday of every Month, till the end of trial.

Certified copy as per rules.

(PREM NARAYAN SINGH)
JUDGE

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