IN THE HIGH COURT OF MADHYA PRADESH AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE DINESH KUMAR PALIWAL

ON THE 2nd OF FEBRUARY, 2024

MISC. CRIMINAL CASE No. 4575 of 2024

BETWEEN:-

ABHISHEK S/O DILIP CHOUDHARY, AGED ABOUT 20 YEARS, R/O URDUVA KHURD CHOUDHARY MOHALLA POLICE STATION PANAGAR DISTRICT JABALPUR (MADHYA PRADESH)

.....APPLICANT

(BY SHRI VIDYA PRASAD - ADVOCATE)

AND

THE STATE OF MADHYA PRADESH THROUGH POLICE STATION GOSALPUR DISTRICT JABALPUR (MADHYA PRADESH)

.....RESPONDENT

(BY MS. NUPUR DHAMIJA - PANEL LAWYER)

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

ORDER

This is second application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail relating to FIR No.443/2023, dated 25.09.2023 registered at Police Station-Gosalpur, District-Jabalpur (M.P.) for commission of offence punishable under Sections 379, 34 of IPC. Applicant is in detention since 17.10.2023.

2. Applicant's first bail application was dismissed as withdrawn and not pressed vide order dated 20.12.2023 passed in M.Cr.C. No.54072 of 2023.

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3. As per the prosecution story, on 25.09.2023, Sushil Kumar Kori lodged an F.I.R. about theft of motor-cycle bearing registration No. MP-20-NH-8863 which he had parked in street near house of Vigyan Singh Thakur at Gosalpur. FIR was registered almost after one month & 16 days of the incident. Stolen motor-cycle was seized from the present applicant and one other. After investigation, charge-sheet has been filed.

4 . Learned counsel for the applicant has submitted that applicant is in detention since 17.10.2023. He has not committed any offence. He is innocent. He has been falsely implicated. No motor-cycle was seized from possession of the present applicant. Offence is triable by JMFC. The trial of the case will take considerable time. Therefore, it is prayed that the applicant may be released on bail pending the trial.

5 . On the other hand, learned counsel for the State has opposed the prayer for grant of bail on the ground of criminal backgrounds of accused.

6. In this case, offence is triable by Judicial Magistrate First Class. After investigation, charge-sheet has already been filed. Therefore, having taken into consideration all the facts and circumstances of the case including the fact that conclusion of trial will take considerable time, but without expressing anything on the merits of the case, I am of the view that it is a case in which further pre-trial detention of the applicant is not warranted. Consequently, this 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 **applicant - Abhishek** 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

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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.

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.

(DINESH KUMAR PALIWAL)
JUDGE

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