IN THE HIGH COURT OF MADHYA PRADESH AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE VISHAL DHAGAT

ON THE 2nd OF JANUARY, 2024

MISC. CRIMINAL CASE No. 56943 of 2023

BETWEEN:-

VINOD VISHWAKARMA S/O DINESH VISHWAKARMA, AGED ABOUT 36 YEARS, OCCUPATION: BUSINESS R/O SUA P.S. AMARPATAN DISTRICT SATNA (MADHYA PRADESH)

.....APPLICANT

(BY SHRI SHISHIR VERMA - ADVOCATE)

AND

THE STATE OF MADHYA PRADESH THROUGH POLICE STATION BAGHELAN DISTRICT SATNA (MADHYA PRADESH).

.....RESPONDENT

(BY SHRI PRAMOD CHOUBEY - GOVERNMENT ADVOCATE)

MISC. CRIMINAL CASE No. 56163 of 2023

BETWEEN:-

PRAKASH SONDHIYA S/O SHRI DADDI SONDHIYA, AGED ABOUT 38 YEARS, OCCUPATION: LABOUR KATIYACHAR POLICE STATION RAMPUR NAIKIN DISTRICT REWA (MADHYA PRADESH).

.....APPLICANT

(BY SHRI DIPANKAR SINGH - ADVOCATE)

AND

THE STATE OF MADHYA PRADESH THROUGH POLICE STATION RAMPUR BAGHELAN DISTRICT SATNA (MADHYA PRADESH).

.....RESPONDENT

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(BY SHRI PRAMOD CHOUBEY - GOVERNMENT ADVOCATE)

These applications coming on for hearing this day, the court passed the following:

ORDER

M.Cr.C. No. 56943/2023 is third bail application and M.Cr.C. No. 56163/2023 is second bail application filed by applicants under Section 439 of Code of Criminal Procedure for grant of regular bail relating to FIR No.637/2023, registered at Police Station-Rampur Baghelan District-Satna (MP) for the offence punishable under Sections 379 of IPC & 136 of Electricity Act.

2. Learned counsel appearing for the applicants submitted that offence is not serious in nature and is triable by Judicial Magistrate First Class and is punishable with imprisonment of three years. Co-accused Ramji Saket has already been enlarged on bail vide order dated 24.11.2023 passed in M.Cr.C. No.51387/2023. In these circumstances, applicants may be granted bail.

3. Learned Government Advocate appearing for the State opposed the bail application and submitted that though applicants are not having any criminal record at present but applicants along with other co-accused are committing theft of electric poles, which is disturbing the public services and also damaging the public property. In these circumstances, applicants may not be released on bail.

5. Heard learned counsel for the parties.

6. Though offence committed by applicants is not serious in nature but the consequences of said offence affect public services at large and there is also damage to public property.

7. Considering aforesaid facts and circumstances of the case, bail application filed by the applicants is **allowed** *on following conditions :*

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(i) Each applicant will deposit an amount of ***Rs.25,000/- (Rs Twenty Five Thousand only)*** *before the trial Court.*

(ii) Said amount be kept in FDR with a nationalized bank by trial Court.

(iii) Said amount will be subject to final judgment and trial Court will pass the order of disposal of FDR in accordance with judgment which may be passed in the case.

(iv) If applicants are convicted in said offence, then said amount be confiscated in favour of the State Government.

(v) It is made clear that no further application shall be entertained for modification of conditions of bail order.

8. It is directed that on deposit of aforesaid amount, the applicants shall be released on bail on their furnishing personal bond in the sum of **Rs.50,000/- (Rupees Fifty Thousand only) each** with ***one surety*** each in the like amount to the satisfaction of the trial court.

9. In addition to aforesaid conditions, the applicants shall abide by the conditions enumerated in Section 437(3) of Cr.P.C.

10. Certified copy as per rules.

(VISHAL DHAGAT)
JUDGE

vkt

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