IN THE HIGH COURT OF MADHYA PRADESH AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE PRAMOD KUMAR AGRAWAL

ON THE 8th OF JANUARY, 2024

MISC. CRIMINAL CASE No. 57903 of 2023

BETWEEN:-

YOSOF @YUSUF SAI S/O KARIM SAI, AGED ABOUT 40 YEARS, OCCUPATION: LABOUR R/O BIDI COLONY, CHHATARPUR DISTRICT CHHATARPUR (MADHYA PRADESH)

.....APPLICANT

(BY SHRI D.S. LODHI - ADVOCATE)

AND

THE STATE OF MADHYA PRADESH THROUGH POLICE STATION GAURIJHAMAR DISTRICT SAGAR (MADHYA PRADESH)

.....RESPONDENTS

(BY SMT. GEETA YADAV - PANEL LAWYER)

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

ORDER

This is the first bail application filed by the applicant under Section 439 of the Code of Criminal Procedure for grant of regular bail relating to Crime No. 420/2023 registered at Police Station Gourjhamar, District Sagar (M.P.) for the offence punishable under Sections 457, 380 of IPC. Applicant is in detention since 9/12/2023.

2. As per the prosecution story, it is alleged that applicant has committed theft of 4 goat and 11 sheep belonging to the complainant therefore, the aforesaid offence has been registered against him.

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3. Learned counsel for the applicant submitted that applicant is in jail since 9/12/2023 He has been falsely implicated. Investigation is complete. It is further submitted that offence has been triable by Judicial Magistrate First Class. Charge sheet has been filed. The applicant has no criminal record. The trial of the case will take considerable time. Therefore, it has been prayed that the applicant may also be released on bail.

4. On the other hand, learned counsel for State has opposed the grant of bail to the applicant.

5. Having taken into consideration all the facts and circumstances of the case, but without commenting on merit of the case, I am inclined to release the applicant on bail. Consequently, bail application under Section 439 of the Code o f Criminal Procedure for grant of bail 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.

Certified copy as per rules.

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(PRAMOD KUMAR AGRAWAL)
JUDGE

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