

Lucky Singh vs The State Of Madhya Pradesh on 1 March, 2025

Author: Maninder S. Bhatti

Bench: Maninder S. Bhatti

NEUTRAL CITATION NO. 2025:MPHC-JBP:9587

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IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR
BEFORE
HON'BLE SHRI JUSTICE MANINDER S. BHATTI
ON THE 1st OF MARCH, 2025
MISC. CRIMINAL CASE No. 9583 of 2025
LUCKY SINGH
Versus
THE STATE OF MADHYA PRADESH
Appearance:
Shri Saurabh Shrivastava - Advocate for the applicant.
Shri Y.D. Yadav - Govt. Advocate for State.

ORDER

This is first bail application filed by the applicant under Section 483 of the Bhartiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail relating to FIR/Crime No.526/2024 dated 29.08.2024 registered at Police Station, Chhola Mandir, Bhopal for the offences punishable under Section 310(2) of Bhartiya Nyay Sanhita, 2023.

2. The counsel for the applicant contends that moot question which requires for consideration in the present case, as to whether it is a case pertaining to Section 304 of the BNS or Section 310 of the BNS ? It is contended by the counsel that as per allegations levelled by the prosecution, two persons came at the spot on an Aactiva scooter and they snatched a bag which contained Rs.2 Lakhs. It is contended by the counsel that as per allegation it was a case under Section 304 of the BNS and punishment for the same is three years. Whereas, subsequently offence under Section 310 of the NEUTRAL CITATION NO. 2025:MPHC-JBP:9587 2 MCRC-9583-2025 BNS has been registered on the basis of the memorandums of the co-accused and those co-accused persons have already been enlarged on bail by the trial Court and the said orders have been brought on record as Annexure-A/2. The applicant is in custody since 21-02-2025. According to the prosecution, there is seizure of Rs.24,000/- from the present applicant and he is no more required for custodial interrogation. Thus, the counsel submits that the applicant deserves to be enlarged on bail.

3. The counsel for the State has opposed the prayer for grant of bail and submitted that there is criminal past of the present applicant. 12 criminal cases were registered against him and he was also prosecuted under the provisions of the M.P. Rajya Suraksha Adhiniyam, 1990. Therefore, no case for grant of bail to the applicant is made out.

4 . Considering the totality of the circumstances of the case, the role attributed to the present applicant and the fact that co-accused persons have already been enlarged on bail by the trial Court, he is in custody since 21-02- 2023 and is no more required for custodial investigation, this Court deems it proper to release the applicants on bail. Therefore, without commenting on the merit of the case, the application is allowed.

5. It is directed that the applicant shall be released on bail on furnishing a personal bond in a sum of Rs.50,000/- (Rupees Fifty Thousand Only) with one surety in the like amount to the satisfaction of the trial Court concerned for her appearance before the said Court on all such dates as may be fixed by that Court in this regard, during the pendency of trial.

6. It is further directed that the applicant shall comply with the NEUTRAL CITATION NO. 2025:MPHC-JBP:9587 3 MCRC-9583-2025 provisions of Section 480(3) of the Bharatiya Nagrik Suraksha Sanhita, 2023.

(MANINDER S. BHATTI) JUDGE ac