

Kanhaiya vs The State Of Madhya Pradesh on 17 September, 2024

Author: Maninder S. Bhatti

Bench: Maninder S. Bhatti

NEUTRAL CITATION NO. 2024:MPHC-JBP:46894

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IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR
BEFORE
HON'BLE SHRI JUSTICE MANINDER S. BHATTI
ON THE 17th OF SEPTEMBER, 2024
MISC. CRIMINAL CASE No. 38542 of 2024
KANHAIYA
Versus
THE STATE OF MADHYA PRADESH

Appearance:

Shri Ashish Kumar Kurmi - Advocate for the applicant.

Ms. Shikha Baghel - Panel Lawyer for the respondent/State.

ORDER

This is repeat (second) bail application filed by the applicant under Section 439 of Cr.P.C./483 of Bhartiya Nagrik Suraksha Sanhita, 2023 for grant of regular bail relating to FIR/Crime No.344/2024 dated 12.04.2024 registered at Police Station Banda, District Sagar for the offences under Section 379 of IPC and Sections 136 & 139 and 3(2) of Lok Sampatti Nikasan Ka Nivaran Adhiniyam, 1984.

2. Earlier bail application of the present applicant was dismissed as withdrawn vide order dated 16.07.2024 in M.Cr.C.No.25031/2024.

3. The counsel for the applicant submits that the present applicant has not committed any offence and he has been falsely implicated in the present case. It is contended by the counsel that charge-sheet has already been filed and the applicant is in custody since 22.04.2024, therefore, the applicant is no more required for custodial interrogation. Other co-accused persons have already been enlarged on bail by this Court vide order dated 16.07.2024 passed in M.Cr.C.No.25031/2024. Thus, counsel submits that the applicant deserves to be enlarged on bail.

4. Per contra, learned counsel for the respondent/State has opposed the NEUTRAL CITATION NO. 2024:MPHC-JBP:46894 2 MCRC-38542-2024 prayer and submitted that previously five cases were

registered against the present applicant and his previous application was also dismissed as withdrawn by this Court. Therefore, taking into consideration the act of the present applicant as well as his criminal antecedents, he is not entitled to be released on bail.

5. Heard the submissions advanced on behalf of the parties and perused the case diary.

6. A perusal of the case diary it reflects that charge-sheet in the matter has already been filed. The applicant is in custody since 22.04.2024. Other two co- accused persons have already been released on bail by this Court vide order dated 16.07.2024 in M.Cr.C.No.25031/2024.

7. Thus taking into consideration the overall circumstances and facts of the case, without commenting on the merit of the case, the application is allowed.

8. It is directed that the applicant-Kanhaiya shall be released on bail on his 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 his appearance before the said Court on all such dates as may be fixed by that Court in this regard during the pendency of trial.

9. It is further directed that the applicant shall comply with the provisions of Section 480(3) of BNSS.

10. C.c. as per rules.

(MANINDER S. BHATTI) JUDGE sp