

Sanjay vs The State Of Madhya Pradesh on 7 January, 2025

NEUTRAL CITATION NO. 2025:MPHC-IND:225

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IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE
BEFORE
HON'BLE SHRI JUSTICE BINOD KUMAR DWIVEDI
ON THE 7 th OF JANUARY, 2025
MISC. CRIMINAL CASE No. 54388 of 2024
SANJAY
Versus
THE STATE OF MADHYA PRADESH
Appearance:
Applicant by Shri Priyesh Bhawsar - Advocate.
Respondent - State of Madhya Pradesh by Shri Tarun Pa
Government Advocate appearing on behalf of Advocate General.

ORDER

This first bail application under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) = Section 439 of Code of Criminal Procedure, 1973 (Code) has been filed for grant of regular bail by applicant Sanjay S/o Premsingh Hada, who has been arrested on 27.10.2024 in connection with Crime/FIR No.332 of 2024 registered at Police Station Pachore, District Rajgarh (MP) for commission of offence under Section 303 (2) of Bhartiya Nyaya Sanhita, 2023.

2. As per the prosecution case, the allegation against the applicant is that of theft of electric motor installed in bore well along with 370 ft. cable.

3. Learned counsel for the applicant submits that the applicant is innocent and has falsely been implicated in the crime. The incident took place on 21.07.2024, wherein a motor for fetching water from the bore well NEUTRAL CITATION NO. 2025:MPHC-IND:225 2 MCRC-54388-2024 has been stolen. The applicant is in jail since 27.10.2024. The charge sheet is yet to be filed. The trial will take time. The applicant will abide by the terms and conditions which may be imposed by the Court. Therefore, on these miscellaneous grounds, learned counsel prays for grant of bail to the applicant by allowing the application.

4. Per contra, learned counsel for the respondent / State has vehemently opposed the prayer on the ground that two more cases of the same nature have been registered against the applicant and the investigation is still not complete. Hence, on these grounds learned counsel prays for dismissal of the bail application.

5. Heard learned counsel for the parties with the aid of case diary.

6. In the aforesaid factual backdrop, considering the arguments advanced on behalf of the parties and overall circumstances of the case, this Court is inclined to grant benefit of bail to the applicant. Accordingly, without commenting on the merits of the case, bail application is allowed.

7. It is directed that the applicant be released on bail upon his furnishing personal bond in the sum of Rs.50,000/- (Rupees Fifty Thousand Only) with separate solvent surety in the like amount to the satisfaction of the trial Court, for his regular appearance before the concerned Court for speedy disposal of the case, on all the dates fixed by the said Court, without any default, during trial. The applicant will abide by conditions enumerated under Section 480 (3) of BNSS = 437 (3) of Code.

8. This order shall be effective till the end of the trial, however, in case of bail jump and / or breach of any of the conditions of bail, it shall become NEUTRAL CITATION NO. 2025:MPHC-IND:225 3 MCRC-54388-2024 ineffective.

9. Accordingly, this M.Cr.C. stands allowed and disposed off. Certified copy, as per rules.

(BINOD KUMAR DWIVEDI) JUDGE rcp