

Praveendas vs The State Of Madhya Pradesh on 22 March, 2025

Author: Sanjeev S Kalgaonkar

Bench: Sanjeev S Kalgaonkar

NEUTRAL CITATION NO. 2025:MPHC-IND:7666

1

IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE
BEFORE
HON'BLE SHRI JUSTICE SANJEEV S KALGAONKAR
ON THE 22nd OF MARCH, 2025
MISC. CRIMINAL CASE No. 11904 of 2025
PRAVEENDAS
Versus
THE STATE OF MADHYA PRADESH

Appearance:

Shri Saurabh Dighe - Advocate for the applicant.

Shri Santosh Singh Thakur - Govt. Advocate for the resp

ORDER

This first application has been filed by applicant under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of bail in connection with Crime No. 560/2024 registered at Police Station-Badnawar District Dhar (M.P.) for offence punishable under Section 8/27, 29 of NDPS Act. Applicant is in judicial custody since 22.11.2024.

As per the case of prosecution, Sumit Pemale was found dead near a bridge of Ekveera Road on 28.03.2024. P.S. Badnawar registered unnatural Death Intimation No. 24/24. Dead body of Sumit was forwarded for post- mortem examination. Traces of Morphine Alkaloids were found in viscera of Sumit. During inquest, it was revealed that Sumit was addicted to narcotic substance. On 27.03.2024, Sumit, Chotu alias Bhajiya, Santosh Baloda and Kamal alias Kaku Hada had consumed brown sugar under the bridge of Ekveera. They took brown sugar through injection. Sumit also had NEUTRAL CITATION NO. 2025:MPHC-IND:7666 2 MCRC-11904-2025 injection containing brown sugar, but after taking the injection, he went unconscious. His associates fled away leaving Sumit unconscious below Ekveera Bridge. Later, Sumit was found dead. On such allegations, P.S. Badnawar registered FIR for offence punishable u/S 340 of IPC and Section 8, 27 and 29 of NDPS Act against Chotu and Santosh. Chotu was apprehended. Chotu in his statement recorded u/S 23(2) of Bhartiya Sakshya Adhiniyam informed that he had purchased the contraband brown sugar from Praveen Bairagi(applicant). Accordingly, Praveen Bairagi was arrested on 22.04.2024. He is in custody ever since. On completion of investigation final report was submitted.

Learned Counsel for the applicant, in addition to the grounds mentioned in the application, submits that applicant is implicated merely on the basis of information given by the co-accused in police custody. No incriminating material, much less, contraband was recovered from the possession of the applicant. There is no evidence connecting the applicant with the alleged offence. Applicant is aged 40 years. He is labourer by profession and is the sole bread earner of the family. No criminal antecedent is reported against him. Trial would take time to conclude. Therefore, the applicant may be extended the benefit of bail.

Per contra, learned counsel for the respondent/State opposes the bail application on the ground of gravity of alleged offence and cites criminal history of 05 cases against the applicant.

In reply, learned counsel for the applicant submits that applicant stands NEUTRAL CITATION NO. 2025:MPHC-IND:7666 3 MCRC-11904-2025 acquitted in all the matters. No prosecution is pending against him.

Heard the arguments, perused the grounds for grant of bail stated in the application and the case diary.

Allegedly, the applicant has supplied contraband - brown sugar to Chotu, which was consumed by Sumit. Later, Sumit was found dead. Applicant is implicated on the basis of information given by the co-accused in police custody. The veracity of the prosecution will be determined after evidence in trial. As informed, the applicant is aged around 40 years and is labourer by profession. He is sole bread earner of the family. Considering these aspects, there appears to be no possibility of fleeing from justice. In absence of substantial criminal past and previous conviction for any major offence, considering the socio-economic status of the applicant, there appears to be no likelihood of tampering with evidence or influencing the witnesses by the applicant or repeating the offence. The trial would take time to conclude. There appears to be no compelling reason to continue incarceration of the applicant. However, the observations, herein-above, are recorded for present application only.

Considering the rival contentions and overall circumstances of the case, in the light of aforesaid facts, but without commenting on the merits, this Court is inclined to release the applicant on bail. Thus, present application is allowed.

Accordingly, it is directed that applicant - Praveen Das shall be released on bail in connection with the crime as stated in para-1 of this NEUTRAL CITATION NO. 2025:MPHC-IND:7666 4 MCRC-11904-2025 order, upon furnishing personal bond and surety bond of amount, as may be considered appropriate by the Trial Court for compliance with conditions, as may be imposed by such Court under Section 437(3) of Cr.P.C. 1973/ Section 480(3) of BNSS, 2023, to secure presence of the applicant for the trial.

This order shall be effective till the end of trial. However, in case of breach of any of the preconditions of bail, the Trial Court may consider, on merit, cancellation of bail without any impediment of this order.

The concerned Court shall get the conditions reproduced on the personal bond by the accused and on surety bond by the surety concerned. If any of them is unable to write, the scribe shall certify that he had explained the conditions to the concerned accused or the surety.

C.C. as per rules.

(SANJEEV S KALGAONKAR) JUDGE sh