

Ravendra @ Beta Tripathi vs The State Of Madhya Pradesh on 18 September, 2024

Author: Vishal Dhagat

Bench: Vishal Dhagat

NEUTRAL CITATION NO. 2024:MPHC-JBP:47278

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IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR
BEFORE
HON'BLE SHRI JUSTICE VISHAL DHAGAT
ON THE 18th OF SEPTEMBER, 2024
MISC. CRIMINAL CASE No. 31399 of 2024
RAVENDRA @ BETA TRIPATHI
Versus
THE STATE OF MADHYA PRADESH
Appearance:
Shri Udaynand Pandey - Advocate for applicant.
Ms. Shikha Sharma - Govt. Advocate for respondent-State.

ORDER

This is the fifth bail application filed under Section 483 of Bhartiya Nagrik Suraksha Sanhita, 2023 on behalf of applicant for grant of regular bail relating to FIR No.41/2022, registered at Police Station-Nayagaon, District-Satna (M.P.) for the offence punishable under Sections 302, 201 of IPC, Section 25 & 27 of Arms Act & Section 11, 13 of MP Dakaiti Aur Vyapharan Prabhavit Kshetra Adhiniyam.

2. Learned counsel appearing for applicant submitted that earlier bail application filed by applicant i.e. M.Cr.C.No.48920/2023 was dismissed vide order dated 21.12.2023. Liberty was granted to applicant to file repeat bail application, if trial is not concluded within six months. It is submitted that applicant is in jail since 27.02.2022. Case of prosecution is based on circumstantial evidence. Independent seizure witness has turned hostile. FSL report is also negative. In these circumstances, applicant may be released on NEUTRAL CITATION NO. 2024:MPHC-JBP:47278 2 MCRC-31399-2024 bail.

3. Learned Government Advocate appearing for the respondent/State opposed the bail application and submitted that report of ballistic expert is positive and firearm which is seized from applicant was used by him to commit the offence. In these circumstances, applicant may not be released on bail.

4. Heard the learned counsel for the parties.

5. Independent seizure witness of firearm is hostile before the Court. Three articles were seized from applicant i.e. his cap, sweater and lower, which are marked as article 'K', 'L' and 'M', over said articles, blood was disintegrated, therefore, no specific report was given by FSL. Only evidence available against applicant is of last seen together. Applicant does not have any criminal past and is a first time offender.

6. Considering the totality of facts and circumstances of the case so also taking into account the period of custody of applicant, bail application filed by the applicant is allowed. It is directed that applicant shall be released on bail on furnishing a bail 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 Court on all such dates as may be fixed in this regard during pendency of trial.

7. The applicant shall also abide by the following conditions of Section 480 (3) of B.N.S.S. as under:-

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(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter;

(b) that such person shall not commit any offence similar to the offence of which the is accused, or suspected of the commission of which they are suspected and;

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case as to dissuade them from disclosing such facts to the Court or to any police officer or tamper with the evidence.

8. C.C. as per rules.

(VISHAL DHAGAT) JUDGE nd