

Sonu @ Anand vs The State Of Madhya Pradesh on 14 October, 2014

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M.Cr.C. No.9605/2014

(Sonu alias Anand Vs. State of MP)

14.10.2014

Shri Kuldeep Thapak, Advocate for applicant.

Shri B. Raj Pandey, Public Prosecutor for Respondent/State.

Case Diary is not available. The case is decided on the basis of chargesheet.

Learned counsel for the rival parties are heard. The applicant has filed this second application u/S 439, Cr.P.C. for grant of bail after rejection of the earlier one on merits on 10.09.2014 in M.Cr.C. No.6567/2014. The applicant has been arrested on 04.07.2014 by Police Station Gijora, District Gwalior in connection with Crime No.76/2014 registered in relation to the offences punishable u/S. 392 of IPC; and Ss.11 and 13 of MPDVPK Adhiniyam.

Learned Public Prosecutor for the State opposed the application and prayed for its rejection by contending that on the basis of the allegations and the material available on record, no case for grant of bail is made out.

The new ground raised herein this application is that TIP was conducted on 12.08.2014 after more than a month of arrest of the applicant on 04.07.2014 and therefore the probative value of the same becomes doubtful. This particular fact has not been taken into account while rejecting the first bail application for the applicant.

The applicant is alleged with robbery and some ear tops have been seized from the applicant. The applicant is in custody since last more than three months.

In view of the above and that the early conclusion of the trial is a bleak possibility and prolonged pre-trial detention is anathema to the concept of liberty and the material placed on record does not disclose possibility of the applicant fleeing from justice, this Court is though inclined to extend the benefit of bail to the applicant, but with certain stringent conditions in view of the criminal antecedents.

Accordingly, without expressing any opinion on merits of the case, this application is allowed and it is directed that the applicant be released on bail on furnishing a personal bond in the sum of Rs.1,00,000/- (Rs. One lac only) with two solvent sureties, each in the like amount to the satisfaction of the concerned trial Court.

This order will remain operative subject to compliance of the following conditions by the applicant :-

1. The applicant will comply with all the terms and conditions of the bond executed by him;
2. The applicant will cooperate in the investigation/trial, as the case may be;
3. The applicant will not indulge himself in extending inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to the Police Officer, as the case may be;
4. The applicant shall not commit an offence similar to the offence of which he is accused;
5. The applicant will not seek unnecessary adjournments during the trial; and
6. The applicant will not leave India without previous permission of the trial Court/Investigating Officer, as the case may be.
7. Looking to the criminal antecedents, the applicant will mark his attendance at the concerned trial Court once in a fortnight.

A copy of this order be sent to the Court concerned for compliance.

C.c. as per rules.

(Sheel Nagu) Judge Mehfooz/-