

# Dharam Singh vs The State Of Madhya Pradesh on 8 March, 2022

**Author: Sanjay Dwivedi**

**Bench: Sanjay Dwivedi**

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The High Court Of Madhya Pradesh  
MCRC No. 9765 of 2022

(DHARAM SINGH Vs THE STATE OF M

Jabalpur, Dated : 08-03-2022

Shri Yash Soni, learned counsel for the applic

Shri Prakash Gupta, learned Panel Lawyer for t

Heard.

This second application under Section 439 of the Code of Criminal Procedure has been filed on behalf of the applicant for grant of bail in connection with Crime No.741/2020 registered at Police Station- Ashta, District Sehore, for the offence punishable under Sections 364 & 34 of the Indian Penal Code. The applicant is in jail since 17.12.2020.

The applicant's first application was dismissed on merit vide order dated 23.06.2021 passed in M.Cr.C. No. 12051/2021.

Learned counsel for the applicant submits that statements of all the material witnesses have been recorded and one of the co-accused namely Vinod, who is also facing almost similar allegation has been granted bail by this Court vide order dated 04.02.2022. He further submits that the present applicant is a handicapped and suffering from 60% disability. On these submissions, he prays that the applicant may be released on bail.

Shri Prakash Gupta, learned Panel Lawyer appearing for the respondent/State on the other hand has opposed the submission made by learned counsel for the applicant and submitted that Court should have no sympathy with the present applicant as six criminal cases have been registered against him. He further submits that case of the present applicant to some extent is not similar to that of co-accused Vinod because the kidnapped child was recovered from his possession as he was found in a car along with the abducted child whereas other co-accused person was not available on spot when police arrested the present applicant and recovered the kidnapped child.

Considering the rival submissions made by counsel for the parties and SAN perusal of the statements and especially the fact that co-accused Vinod has already Date: 2022.03.09 12:13:50 IST been granted bail and also the fact that the present applicant is in jail since 17.12.2020 and is an

under trial accused, without commenting anything on the merits of the case, I am inclined to consider and allow this bail application. Accordingly, it is allowed.

It is directed that the applicant be released on bail upon his furnishing a personal bond in the sum of Rs.1,00,000/- (Rupees One Lac) with one solvent surety of the like amount to the satisfaction of the trial Court concerned for his appearance on the dates given by it.

It is further directed that the applicant shall abide by the conditions enumerated in Section 437(3) of the Code of Criminal Procedure.

Certified copy as per rules.

(SANJAY DWIVEDI) JUDGE rao