

Rajesh Kumar Sondhiya vs The State Of Madhya Pradesh on 22 September, 2017

MCRC-14317-2016

(RAJESH KUMAR SONDHIYA Vs THE STATE OF MADHYA PRADESH)

22-09-2017

Shri S.B. Singh, counsel for the applicant. Shri D.K. Paroha, Govt. Adv. for the State. Heard. Perused the case diary.

This is repeat/second application under Section 439 of Cr. P. C. for grant of bail to the applicant, as he has been arrested on 16.09.2015 in connection of Crime No. 201/2015, registered at Police Station Govindgarh, Rewa for commission of offences punishable under Section 394 of IPC.

Earlier application i.e. M.Cr.C. No.4665/2016 was dismissed as withdrawn vide order dated 25.04.2016.

Subsequently, another co-accused Imtiyaz Khan situated in the similar circumstances has been granted bail by this Court vide order dated 11.02.2016 passed in M.Cr.C. No.736/2016. The Court passed the following order in the case of co-accused Imtiyaz Khan:-

"11.02.2016:

Shri Hakim Khan Qureshi, counsel for the applicant. Shri Manoj Kushwaha, Panel Lawyer for the State. Heard.

Perused the case diary.

This is repeat application under Section 439 of Cr. P. C. for grant of bail to the applicant, as he has been arrested on 16.09.2015 in connection of Crime No.201/2015, registered at Police Station Govindgarh District Rewa for commission of offences punishable under Sections 394 of IPC.

Earlier application was dismissed as withdrawn. Allegation against the applicant is that he had looted two vehicles and those vehicles were found in his possession.

Learned counsel for the applicant has submitted that the applicant did not participate in the robbery. He is owner of the pick-up van and he has also taken another vehicle on rent.

The applicant is in jail since 16.9.2015. There is no criminal history of the applicant, as submitted by the learned P. L. Hence, without expressing any opinion on merits of the matter, application is allowed. It is directed that on furnishing personal bond of Rs.50,000/- (Rs. Fifty thousand) along

with one solvent surety in the like amount to the satisfaction of the trial Court, the applicant Imtiyaz Khan be released on regular bail."

Their appears to be a parity between the applicant and the co- accused Imtiyaz Khan, hence without expressing any opinion on merits of the matter, the application is allowed.

It is directed that on furnishing personal bond of Rs.50,000/- (Rs. Fifty thousand) along with one solvent surety in the like amount to the satisfaction of the trial Court, the applicant be released on regular bail.

The applicant shall abide by the following conditions of Section 437 (3) of Cr. P. C. as under:

- (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 he/she is accused, or suspected of the commission of which he is suspected and;
- (c) that such person shall not directly or indirectly make any inducement, treat or promise to any person acquainted with the facts of the case as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

C. C. as per rules.

(S.K. GANGELE) JUDGE pb