

Shubham Jatav vs The State Of Madhya Pradesh on 8 March, 2018

THE HIGH COURT OF MADHYA PRADESH
M.Cr.C. No. 4759/2018
(Shubham Jatav Vs. State of M.P.)
(1)

Gwalior, dated : 8/3/2018

Shri Anand Purohit, Advocate for the applicant.

Shri Avneesh Singh, Public Prosecutor for the respondent-

State.

Case Diary is perused.

Learned counsel for the rival parties are heard. The applicant has filed this first application under section 439 of the Cr.P.C. for grant of bail.

The applicant has been arrested by Police Station Murar, District Gwalior, in connection with Crime No.693/2017 registered in relation to the offences punishable under sections 392 of the IPC and 11/13 of the MPDVPA Act.

Prosecution story, in short, is that the complainant was on duty on 10/9/17. He was talking to someone on his mobile phone. At that time, suddenly some unknown persons came on one Motorcycle and one of them snatched the mobile phone from the complainant and thereafter they fled from the spot.

Learned counsel for the applicant submits that the applicant has been falsely implicated in the case. The applicant is an innocent person. According to the prosecution case, some unknown persons have committed the robbery. The applicant is in jail since 23/12/17 and the trial is likely to take sufficiently long time. There is no possibility of his absconding or tampering with the prosecution case. It is further submitted that applicant has no criminal history. The co-accused in the case namely Pankaj Sahu (M.Cr.C. No.3605/18), Anshul Jatav (M.Cr.C. No.4540/18) and Lalit alias Lalli Jaat (M.Cr.C. No.6375/18) have already been enlarged on bail by this Court and the applicant deserves parity in treatment. With the aforesaid submissions prayer for grant of bail THE HIGH COURT OF MADHYA PRADESH (Shubham Jatav Vs. State of M.P.) is made.

Learned Public Prosecutor 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.

However, it would not be desirable to enter into the merits of the rival contentions at this juncture. Considering the facts and circumstances of the case coupled with the fact that trial is not likely to conclude in near future and prolonged pre-trial detention being an anathema to the concept of

liberty, this Court is inclined to extend the benefit of bail to the applicant.

Accordingly, without expressing any opinion on merits of the case, this application is allowed and it is directed that the applicant namely Shubham Jatav be released on bail on furnishing a personal bond in the sum of Rs. 50,000/- (Rupees Fifty Thousand only) with two solvent sureties each in the like amount to the satisfaction of the trial Court/committal Court for his appearance on the dates given by the concerned 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 THE HIGH COURT OF MADHYA PRADESH (Shubham Jatav Vs. State of M.P.) permission of the trial Court/Investigating Officer, as the case may be.

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

C.C. as per rules.

(S.A. Dharmadhikari) Judge (and)