

**IN THE HIGH COURT OF MADHYA PRADESH
AT GWALIOR**

Misc. Criminal Case No. 28889 OF 2024

[SATENDRA RAJPUT AND ANOTHER VS. STATE OF MADHYA PRADESH]

Dated : 20.07.2024

Shri Saket Udainiya - Advocate for the applicants.

Shri P.P.S. Vajeeta- Public Prosecutor for respondent/State.

This **first** bail application has been filed by applicants under Section 439 Cr.P.C. for grant of bail in connection with Crime No.155 of 2024 registered at Police Station Basai, District Datia (M.P.) for offence punishable under Sections 457, 380 IPC and enhanced Section 34(2) of M.P. Excise Act. The applicants are in judicial custody since 28.06.2024.

As per the case of prosecution, complainant- Deependra Ahirwar reported to PS Basai, District Datia that a theft was committed at his liquor shop at Picchore- Basai Road. 25 cartons of country-made plain liquor, 04 cartons of foreign liquor (Beer) Cans, 03 cartons of country-made *masala* liquor were stolen from the liquor shop. PS Basai registered FIR at Crime No.155 of 2024 for offence punishable under Sections 457and 380 IPC IPC. Applicants were arrested on 28.06.2024. They are in custody ever since. 07 cartons of country-made plain liquor, Hero HF Deluxe Motorcycle and one iron rod were recovered at the instance of applicant Satendra Rajput. 05 cartons of country-made plain liquor was recovered at the instance of applicant Jasrath alias Dashrath. Relevant seizures were made. Statements of witnesses were recorded. Prosecution for offence punishable under Section 34(2) of the M.P. Excise Act was added. Investigation is underway.

Learned counsel for the applicants, in addition to the grounds mentioned in the application, submits that applicants have been falsely implicated in this matter. Applicant Satendra Rajput is aged around 20 years and he is driver by profession. Applicant Jasrath is aged around 19 years and he is labourer by profession. There is no likelihood of absconsion leaving their family, home and profession. No further custodial interrogation of applicants is needed in the matter. Jail incarceration is causing hardship to the applicants and their family. No criminal antecedent is reported against the applicants. There is no likelihood of tampering with evidence by the applicants. Trial would take time to conclude. Therefore, the applicants may be extended the benefit of bail.

Per contra, learned counsel for State opposes the bail application on the basis of gravity of offence.

Heard learned counsel for the parties and perused the case-diary.

Considering the arguments advanced by both the parties and overall circumstances of the case, in view of young age of the applicants, but without commenting on merits of the case, this Court is inclined to release the applicants on bail. Thus, the application is allowed.

Accordingly, it is directed that **applicants- Satendra Rajput and Jasrath alias Dashrath** shall be released on bail in relation to Crime No.155 of 2024 registered at Police Station Basai, District Datia (M.P.) for offence punishable under Sections 457, 380 IPC and enhanced Section 34(2) of M.P. Excise Act, upon furnishing a personal bond in the sum of **Rs.50,000/- (Rupees Fifty Thousand Only) each with one**

solvent surety each in the like amount to the satisfaction of the Trial Court, for compliance with the following conditions :

- (1) Applicants shall remain present on every date of hearing as may be directed by the concerned court;
- (2) Applicants shall not commit or get involved in any offence of similar nature;
- (3) Applicants shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them/him/her from disclosing such facts to the Court or to the police officer;
- (4) Applicants shall not directly or indirectly attempt to tamper with the evidence or allure, pressurize or threaten the witness;
- (5) During trial, the applicants shall ensure due compliance of provisions of Section 309 of Cr.P.C. regarding examination of witnesses in attendance.

This order shall be effective till the end of trial. However, in case of breach of any of the precondition of bail, the trial Court may consider on merit cancellation of bail without any impediment of this order.

The trial Court shall get these conditions reproduced on the personal bond by the accused and on surety bond by the surety concerned. If any of them is unable to write, the scribe shall certify that she had explained the conditions to the concerned accused or the surety.

C.C. as per rules.

(Sanjeev S. Kalgaonkar)

Judge

pd