

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

Misc. Criminal Case No.29829 of 2024

[SAURABH RAJPUT VS. STATE OF MADHYA PRADESH]

Dated : 20.07.2024

Shri Harshawardhan Sharma - Advocate for the applicant.

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

This **first** bail application has been filed by applicant 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 applicant is 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 457 and 380 IPC. Applicant was arrested on 28.06.2024. He is in custody ever since. At the instance of the applicant, 05 cartons of country-made plain liquor was recovered. Relevant seizure was 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 applicant, in addition to the grounds mentioned in the application, submits that applicant has been falsely implicated in this matter. He is aged around 19 years. He is student. There is no likelihood of absconsion leaving his family, home and study. No further custodial interrogation of applicant is needed in the matter. Jail incarceration is causing hardship to the applicant and his family. No criminal antecedent is reported against the applicant. There is no likelihood of tampering with evidence by the applicant. Trial would take time to conclude. Therefore, the applicant 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 applicant, but without commenting on merits of the case, this Court is inclined to release the applicant on bail. Thus, the application is allowed.

Accordingly, it is directed that **applicant- SAURABH RAJPUT** 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)** with one solvent surety in the like

amount to the satisfaction of the Trial Court, for compliance with the following conditions :

- (1) Applicant shall remain present on every date of hearing as may be directed by the concerned court;
- (2) Applicant shall not commit or get involved in any offence of similar nature;
- (3) Applicant 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) Applicant shall not directly or indirectly attempt to tamper with the evidence or allure, pressurize or threaten the witness;
- (5) During trial, the applicant 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.

C.C. as per rules.

(Sanjeev S. Kalgaonkar)

Judge

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