

The High Court Of Madhya Pradesh

MCRC No. 3954 of 2022

(ASHISH AGRAWAL Vs THE STATE OF MADHYA PRADESH)

Jabalpur, Dated : 24-01-2022

Heard through Video Conferencing.

Shri Mohd. Shafiqullah, learned counsel for the applicant.

Shri Vijay Kumar Shukla, learned Panel Lawyer for the respondent/State.

Applicant/Ashish Agrawal has filed this **second** bail application under Section 439 of CrPC in connection with Crime No.604/2021 under Sections 380, 411, 454 of IPC registered at police station Kohefiza, District Bhopal (M.P) and applicant is in custody since 25/11/2021. Earlier bail application (M.Cr.C No. 64759/2021) was dismissed as withdrawn with liberty to renew the prayer once charge sheet is filed vide order dated 10/01/2022.

Learned counsel for the applicant submits that now investigation is complete and charge sheet has been filed. Applicant is an advocate. He has been falsely implicated in this case. He is in custody since 25/11/2021 and prays that applicant be released on bail.

Learned Panel Lawyer for the State opposes the prayer made by learned counsel for the applicant and submits that 2 gold necklaces, 4 ring fingers of gold, ear tops of gold have been recovered from the possession of applicant beside certain silver items.

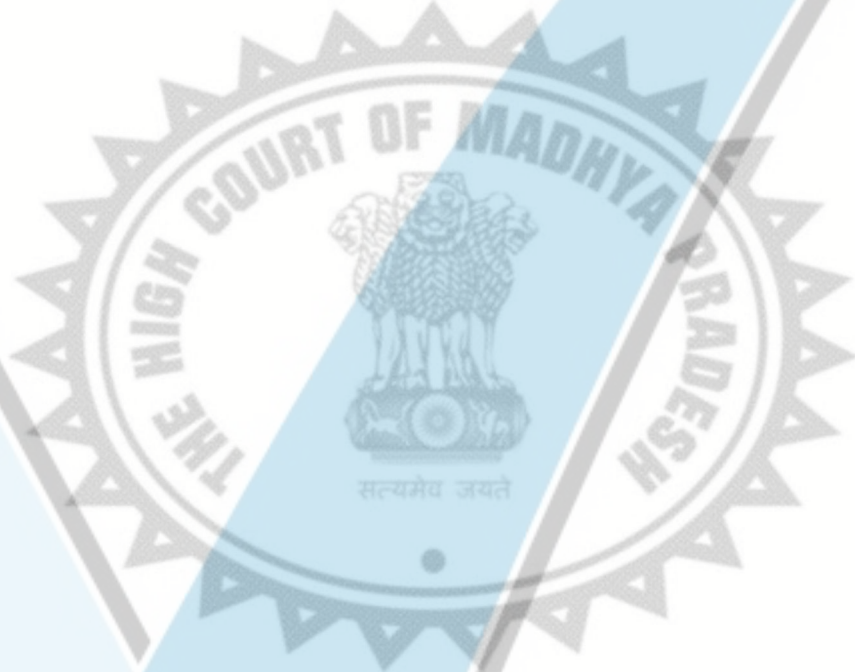
In view of above, the plea of Shri Shafiqullah that the shop is in the name of R.P Jeweller and run by brother of the present applicant is of no significance. This aspect was not dealt with while granting bail to the present applicant in M.Cr.C No.64760/2021 passed on 10/01/2022. Inasmuch as recovery has not been made from R.P Jewellers, but has been made from the present applicant. Therefore, this plea of applicant that no recovery has been made from him is factually incorrect. Reading from the recovery memo, it is evident that there is specific recovery from the present applicant and not from R.P Jeweller.

In view of such fact of recovery from the present applicant, this is not a fit case for grant of bail.

On request of Shri Vijay Kumar Shukla, learned Panel Lawyer, Bar Council of Madhya Pradesh is directed to carry out an investigation whether an advocate charged with 7 cases of theft and from whom recovery is made can represent himself as an advocate or not and whether entitled to maintain his license to practice.

Let a copy of this order be sent to the Bar Council of Madhya Pradesh for necessary action.

tarun



Signa