IN THE HIGH COURT OF MADHYA PRADESH AT GWALIOR

BEFORE

HON'BLE SHRI JUSTICE ANAND PATHAK

ON THE 2nd OF FEBRUARY, 2024

MISC. CRIMINAL CASE No. 354 of 2024

BETWEEN:-

MAHESH BAIRAGI S/O SHRI JAGDEESH BAIRAGI, AGED ABOUT 45 YEARS, OCCUPATION: NOTHING VILLAGE KOTA, PS DEHAT SHIVPURI (MADHYA PRADESH)

.....APPLICANT

(BY SHRI AKSHAT JAIN - ADVOCATE)

AND

THE STATE OF MADHYA PRADESH INCHARGE POLICE STATION PS DEHAT DISTRICT SHIVPURI (MADHYA PRADESH)

.....RESPONDENTS

(BY SHRI RAJIV KUMAR UPADHYAY - PUBLIC PROSECUTOR)

This application coming on for admission this day, the court passed the following:

ORDER

1. After arguing for a while, learned counsel for the applicant prays for withdrawal of this second bail application under Section 439 of Cr.P.C. but his only anxiety is that since 10.06.2022 out of 47 times, 31 times witnesses did not turn up and only 16 times witness turned up for deposition.

2. Prayer noted.

3. Accordingly, the present application **stands dismissed as withdrawn** but anxiety raised by the applicant appears to be addressed by the prosecution and Investigating Officer.

4. Superintendent of Police, District Shivpuri is directed to look into the

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matter and instruct the concerned officer including Government Prosecutor to ensure the appearance of witnesses for deposition without fail.

5. Let copy of this order be sent to the Superintendent of Police, District Shivpuri and concerned Government Prosecutor, Shivpuri for information and compliance.

(ANAND PATHAK)
JUDGE

Rashid

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Signed by: RASHID KHAN
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