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

**BEFORE
HON'BLE SMT. JUSTICE SUNITA YADAV
ON THE 17th OF JANUARY, 2024**

MISC. CRIMINAL CASE No. 726 of 2024

BETWEEN:-

**BANTI YADAV S/O SHRI NANDLAL YADAV, AGED
ABOUT 20 YEARS, OCCUPATION: LABOUR VILLAGE
BHAVKHEDI THANA SIRSOD DISTRICT SHIVPURI
(MADHYA PRADESH)**

.....APPLICANT

(BY MR. OMPRAKASH MATHUR - ADVOCATE)

AND

**THE STATE OF MADHYA PRADESH INCHARGE POLICE
STATION THROUGH POLICE STATION KOLARAS
DISTRICT SHIVPURI (M.P.) (MADHYA PRADESH)**

.....RESPONDENT

(BY MR. KULDEEP SINGH - ADVOCATE)

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

ORDER

This is the first application filed by the applicant under Section 439 of the Cr.P.C. for grant of bail relating to FIR No. 305 of 2023 registered at Police Station Kolaras, District Shivpuri (M.P.) for the offence under Sections 347, 389, 506, 386 and 34 of IPC.

Learned counsel for the applicant argued that the applicant is innocent and has been falsely implicated. Entire prosecution story is highly suspicious. As per allegations, the complainant left his house upon receiving a call from an unknown person which is improbable. It is further argued that allegedly after

making vulgar video, unknown persons left the complainant to bring money from home, however, he did not try to call police or inform anyone. Even the video allegedly made by the accused persons has not been recovered. Further argument is that the applicant is in custody since 05.12.2023. Investigation has already been completed and charge-sheet has been filed, therefore, there is no requirement of further custodial interrogation of the applicant. Applicant is the permanent resident of District Shivpuri (M.P.) and there is no possibility of his absconsion or tampering with the prosecution evidence. Hence, he prays for grant of bail to the applicant.

Per contra, learned counsel for the State vehemently opposed the bail application and argued that the mobile phone seized from the present applicant has been sent for forensic report in respect to video allegedly made by the applicant - accused. Hence, prayed to dismiss the bail application.

Heard learned counsel for the rival parties and perused the case diary available on record.

Considering the facts and circumstances of the case, but without expressing any opinion on merits of the case, this application is allowed and it is directed that the applicant be released on bail on furnishing a personal bond in the sum of **Rs. 1,00,000 (Rupees One Lakh Only)** with one solvent surety in the like amount to the satisfaction of the trial Court/committal 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 will not commit any other offence or will not repeat the offence in future;

5) The applicant will not seek unnecessary adjournments during the trial; and

6) The applicant will not leave India without previous permission of the trial Court/Investigating Officer, as the case may be; and

7) In case the FSL report in respect to video allegedly made by the applicant - accused is found positive, this bail order shall stand cancelled automatically without further reference to this Court.

Learned State counsel is directed to send an e-copy of this order to the Station House Officer of the concerned Police Station for information and necessary action.

E- copy of this order be sent to the trial Court concerned for compliance, if possible, by the office of this Court.

Certified copy as per rules.

(SUNITA YADAV)
JUDGE

AKS