IN THE HIGH COURT OF MADHYA PRADESH AT GWALIOR

BEFORE

HON'BLE SMT. JUSTICE SUNITA YADAV

ON THE 18th OF JANUARY, 2024

MISC. CRIMINAL CASE No. 833 of 2024

BETWEEN:-

OMPRAKASH BHOI S/O SHRI MURALIDHAR BHOI, AGED 50 YEARS, R/O GRAM KHAIKHEDA TEHSIL AND DISTRICT VIDISHA (MADHYA PRADESH)

.....APPLICANT

(BY SHRI RAVI RAHUL - ADVOCATE)

AND

THE STATE OF MADHYA PRADESH THROUGH POLICE STATION CIVIL LINE, DISTRICT VIDISHA (MADHYA PRADESH)

.....RESPONDENT

(BY SMT. ABHA MISHRA - PUBLIC PROSECUTOR)

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 Crime No. 663 of 2023 registered at Police Station Civil Line, District Vidisha (M.P.) for the offence under Sections 394, 120-B, 34 of IPC.

Learned counsel for the applicant argued that applicant is an innocent person and has been falsely implicated. F.I.R. was lodged against three persons, however, five persons have been arrayed as accused. It is further submitted that TIP in respect to the applicant has not been conducted during the course of investigation. Looted articles have already been seized and charge-sheet has

already been filed, therefore, custodial interrogation of the applicant is not required any more. He is in custody since 26.10.2023. He is permanent resident of District Vidisha (M.P.).. Conclusion of trial is likely to take time and there is no likelihood of his absconsion, if released on bail. On these grounds, he prays for grant of bail to the applicant.

P e r contra, learned Public Prosecutor for the respondent/State vehemently opposed the bail application and prayed for its dismissal.

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 two solvent sureties** in the like amount to the satisfaction of the trial 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 shall not commit an offence similar to the offence of which he/she is accused;

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.

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

AK/-