

1
**IN THE HIGH COURT OF MADHYA PRADESH
AT GWALIOR**

**BEFORE
HON'BLE SMT. JUSTICE SUNITA YADAV
ON THE 19th OF JANUARY, 2024**

MISC. CRIMINAL CASE No. 1601 of 2024

BETWEEN:-

**BABLU AHIRWAR S/O SHRI NARAYAN @ LAXMI
NARAYAN AHIRWAR, AGED ABOUT 34 YEARS,
OCCUPATION: LABOURER, R/O NEAR LALA KA TAAL,
DISTRICT DATIA, AT PRESENT R/O BESIDE VILLAGE
RAJGARH JHANSI (UTTAR PRADESH)**

.....APPLICANT

(BY SHRI PULKIT RASTOGI - ADVOCATE)

AND

**THE STATE OF MADHYA PRADESH THROUGH POLICE
STATION SURVAYA, DISTRICT SHIVPURI (MADHYA
PRADESH)**

.....RESPONDENT

(BY SHRI VPS TOMAR - PANEL LAWYER)

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

ORDER

This is first application filed by the applicant u/S.439 of Cr.P.C in connection with Crime No.84/2023 registered at Police Station Survaya, District Shivpuri (M.P.) for the offence punishable under Section 392 of IPC, and Sections 11/13 of MPDVPK Act.

Learned counsel for the applicant argued that the applicant is innocent and has been falsely implicated. Further argument is that applicant is in custody since 25.08.2023. Applicant is the resident of District Jhansi (U.P.) and there is no possibility of his absconsion or tampering with the prosecution evidence. It

is further submitted that co-accused person namely, Akash has already been granted bail by the Coordinate Bench this Court vide order dated 27.12.2023 passed in M.Cr.C. No. 55772 of 2023, therefore, he seeks parity and prays for grant of bail to the applicant.

Per contra, learned counsel for the State fairly conceded that the case of present applicant is at parity with co-accused person, however, he further submitted that there are five criminal cases have been registered against the applicant, therefore, he prayed for dismissal of present 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 **cash surety of Rs.1,00,000/- (Rupees One Lac Only)** 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/her;
- 2) The applicant will cooperate in the investigation/trial, as the case may be;
- 3) The applicant will not indulge himself/herself in extending inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them 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. In case, if he/she is found involving in the offence of same nature, this bail order shall

stand cancelled automatically without further reference to the Bench.

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

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

7) The applicant shall mark his presence before the SHO of the concerning police station in the first week of every month till conclusion of trial.

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

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