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

**BEFORE
HON'BLE SMT. JUSTICE SUNITA YADAV
ON THE 23rd OF JANUARY, 2024**

MISC. CRIMINAL CASE No. 1699 of 2024

BETWEEN:-

**SHAILENDRA SINGH @ ASHU TOMAR S/O SHRI
MAHIPAL SINGH TOMAR, AGED 22 YEARS,
OCCUPATION: STUDENT, R/O VILLAGE BHIKARI KA
PURA, MOJA RAJODHA, THANA NAGRA, TEHSIL
PORSa, DISTRICT MORENA (MADHYA PRADESH)**

.....APPLICANT

(BY SHRI ARSHAD ALI M. HAQUE - ADVOCATE)

AND

**THE STATE OF MADHYA PRADESH THROUGH POLICE
STATION PORSa, DISTRICT MORENA (MADHYA
PRADESH)**

.....RESPONDENT

(BY SHRI P. TANWAR - PANEL LAWYER)

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

ORDER

This is **second** application filed by the applicant under Section 439 of the Cr.P.C. for grant of bail relating to Crime No. 415 of 2021 registered at Police Station Porsa, District Morena (M.P.) for the offence under Sections 394, 395, 397, 457 of IPC and Section 11/13 of MPDVPK Act and Section 25/27 of the Arms Act.

This is a case of bail jump.

Earlier the applicant was granted bail by the Coordinate Bench of this Court vide order dated 03.01.2022 in M.Cr.C.No.64682 of 2021, however,

during the course of trial, he remained absent before the trial court on 20.03.2023 and thereafter, he surrendered on 20.03.2023 before the trial Court and since then he is in jail.

Learned counsel for the applicant argued that applicant is innocent person and has been falsely implicated. He further submits that absence of the applicant/accused is bonafide as he went outside for his livelihood, therefore his counsel did not inform him about the date of hearing. It is further argued that applicant is in custody since 20.12.2023 and he is ready and willing to abide by all the terms and conditions which may be imposed by this Court upon him and will never misuse the liberty so granted. The applicant is permanent resident of District Morena. 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.

Per contra, learned Panel Lawyer 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 **Rs.5,000/-(Rupees Five Thousand Only)** be forfeited from previous personal bond of the applicant and on furnishing fresh bail bond in the sum of **Rs.50,000/- (Rupees Fifty Thousand Only)** with one solvent surety in the like amount to the satisfaction of the trial Court, he should be released on bail.

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 of which he 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/-