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

**BEFORE
HON'BLE SMT. JUSTICE SUNITA YADAV
ON THE 22nd OF JANUARY, 2024**

MISC. CRIMINAL CASE No. 1783 of 2024

BETWEEN:-

**BAKHAR KHAN S/O SHRI HABALDAR KHAN, AGED
ABOUT 46 YEARS, OCCUPATION: LABOUR, R/O VILLAGE
ETARORA POLICE STATION INDERGARH, DISTRICT
DATIA (MADHYA PRADESH)**

.....APPLICANT

(BY SHRI SOORAJ BHAN LODHI - ADVOCATE)

AND

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

.....RESPONDENT

(BY MS. KALPANA PARMAR - PANEL LAWYER)

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

ORDER

The applicant has filed this first application u/S. 439 Cr.P.C. for grant of bail in connection with Crime No. 342 of 2022 registered at Police Station Narwar, District Shivpuri for the offence punishable under Sections 365, 364-A, 394, 34 of IPC, Section 25, 27 of Arms Act and Section 11/13 of M.P.D.V.P.K. Act.

Allegations against the applicant/accused, in short, are that he along with other co-accused persons abducted-Amjad for ransom and also inflicted injuries upon him.

Learned counsel for the applicant argued that applicant is an innocent person and has been falsely implicated. It is further argued that the applicant is in custody since 19.10.2023. Charge sheet has since been filed and further custodial interrogation of the applicant may not be required. Co-accused Ray Singh, Layakram Adiwasi and Vijay Dhanuk have already been granted the benefit of bail vide order dated 13.6.2023 passed in M.Cr.C. No.28722/2023, order dated 28.7.2023 passed in M.Cr.C. No.31675/2023 & order dated 07.08.2023 passed in M.Cr.C. No.28545/2023 by this Court respectively, the case of the present applicant is also similar to aforesaid co-accused persons. The applicant is permanent resident of District Datia (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.

On the other hand, learned State counsel vehemently opposed the application by citing criminal antecedents and prayed for its rejection.

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

Considering the overall 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 local solvent sureties 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/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 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 any other offence during pendency of the trial, failing which, this bail order shall stand cancelled automatically without further reference to the Bench.
- 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.
- 7) The applicant shall appear and mark his attendance before the SHO of the police station concerned once in 1st week of every month at 10 Am till conclusion of the trial, failing which, this bail order shall stand canceled 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

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