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

**BEFORE
HON'BLE SMT. JUSTICE SUNITA YADAV
ON THE 30th OF JANUARY, 2024**

MISC. CRIMINAL CASE No. 2179 of 2024

BETWEEN:-

**KAPIL RATHORE S/O ARVIND RATHORE, AGED ABOUT
32 YEARS, OCCUPATION: LABOUR, R/O GADAIPURA,
BIRLA NAGAR, DISTRICT GWALIOR (MADHYA
PRADESH)**

.....APPLICANT

(BY SHRI VIRENDRA SINGH PAL - ADVOCATE)

AND

**THE STATE OF MADHYA PRADESH THROUGH POLICE
STATION MAHARAJPURA, DISTRICT GWALIOR
(MADHYA PRADESH)**

.....RESPONDENT

(BY SHRI PRABHAT PATERIYA - DY. PUBLIC PROSECUTOR)

*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. 842/2023 registered at Police Station Maharajpura, District Gwalior (M.P.) for the offence punishable under Section 392, 336 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. It is further argued that the FIR was lodged against unknown persons, however, applicant/accused has wrongly been identified in the TIP. Further argument is that applicant is in custody since

04.10.2023. After conclusion of investigation, charge-sheet has been filed, therefore, further custodial interrogation is no more required. Applicant is the resident of District Gwalior (M.P.) and there is no possibility of his absconsion or tampering with the prosecution evidence, therefore, he prays for grant of bail to the applicant.

Per contra, learned counsel for the State vehemently opposed the bail application by citing criminal history of application and 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 personal bond in the sum of **Rs.50,000/- (Rupees Fifty thousand Only)** with a solvent surety 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/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.

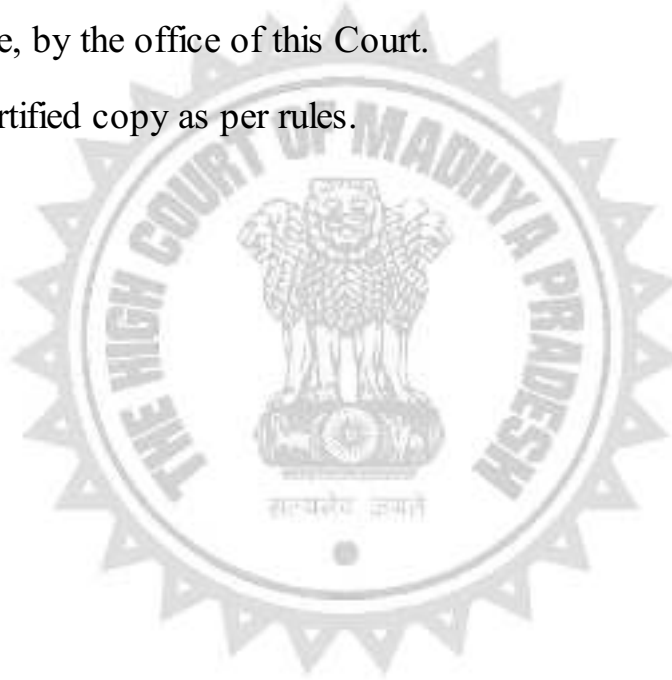
- 5) The applicant will not seek unnecessary adjournments during the trial;
- 6) The applicant will not leave India without previous permission of the trial Court/Investigating Officer, as the case may be; and

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.

vpn



(SUNITA YADAV)
JUDGE