IN THE HIGH COURT OF MADHYA PRADESH AT GWALIOR

BEFORE

HON'BLE SMT. JUSTICE SUNITA YADAV

ON THE 2nd OF FEBRUARY, 2024

MISC. CRIMINAL CASE No. 2444 of 2024

BETWEEN:-

MALKEET SINGH@MILLA S/O SURENDRA SINGH@CHHINDA SIKH, AGED ABOUT 25 YEARS, R/O GRAM GHYANPUR THANA ISHAGARH DISTRICT ASHOKNAGAR (MADHYA PRADESH)

.....APPLICANT

(MR. AMRITPAL SINGH - ADVOCATE FOR APPLICANT)

AND

THE STATE OF MADHYA PRADESH THROUGH POLICE STATION ISHAGARH DISTRICT ASHOKNAGARE (MADHYA PRADESH)

.....RESPONDENTS

(MRS. KALPANA PARMAR - PANEL LAWYER FOR RESPONDENT/STATE & MR. RAKSHIT GUPTA - ADVOCATE FOR RESPONDENT/COMPLAINANT)

This application coming on for Admission this day, the court passed the following:

ORDER

I.A. No. 2183 of 2024 filed u/s. 301 (2) of Cr.P.C for assisting Public Prosecutor is taken up considered and allowed for reasons mentioned therein.

Shri Rakshit Gupta - Advocate is permitted to assist Panel Lawyer.

This is the Second application filed by the applicant under Section 439 of the Cr.P.C. for grant of bail relating to Crime No.504 of 2023 registered at Police Station Isagarh, District Ashoknagar (M.P.) for the offence under Sections 324, 323, 294, 506, 326 and 34 IPC and Section 25 of Arms Act.

Learned counsel for the applicant argued that the applicant is innocent

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and has been falsely implicated. Present FIR has been lodged on account of some misunderstanding as complainant and accused persons are neighbors and have settled their dispute amicably, for which, compromise application has been filed before learned trial Court. Further submission is that applicant is under custody since 20.11.2023. After conclusion of investigation, charge sheet has already been filed, therefore, his custodial interrogation is not required anymore. Applicant is permanent resident of District Ashoknagar (M.P.) and there is no possibility of his absconding or tempering with prosecution case. On these grounds, he prays for grant of bail to the applicants.

Per contra, learned counsel for the State has vehemently opposed the bail application and prayed for its rejection.

However, counsel appearing on behalf of complainant submitted that he has no objection, if the applicant may be enlarged on bail.

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.25,000/- (Rupees Twenty Five Thousand Only) with one solvent surety** 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;

2) The applicant will cooperate in the investigation/trial, as

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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

(LJ*)

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