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

**BEFORE
HON'BLE SMT. JUSTICE SUNITA YADAV
ON THE 1st OF FEBRUARY, 2024**

MISC. CRIMINAL CASE No. 3069 of 2024

BETWEEN:-

**MADAN MISHRA S/O SHRI LALARAM MISHRA, AGED
ABOUT 27 YEARS, OCCUPATION: KASTAKARI, R/O
GRAM UDAGAON, POLICE THANA JIGNA DISTRICT
DATIA (MADHYA PRADESH)**

.....APPLICANT

(BY MR. RAJIV BUDHOLIYA - ADVOCATE)

AND

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

.....RESPONDENTS

(BY MR. RAJEEV UPADHYAY - PUBLIC PROSECUTOR)

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

ORDER

This is the **first** application filed by the applicant under Section 439 of the Cr.P.C. for grant of bail relating to FIR No.409 of 2022 registered at Police Station Kolaras, District Shivpuri (M.P.) for the offence under Section 392 of the I.P.C. and Section 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 co-accused persons Sumit @ Shiva Yadav and Shahid Raza have already been granted bail by this Court and the case of the present applicant is parity with that co-accused

persons, therefore, he seeks parity. It is further argued that the applicant is in custody since 26.05.2023. Charge-sheet has already been filed, therefore, there is no requirement of further custodial interrogation of the applicant. The applicant is permanent resident of District Datia (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 applicant.

Per contra, learned counsel for the State vehemently opposed the bail application by citing the criminal history of the applicant and, therefore, prayed for its rejection.

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.1,00,000/- (Rupees One Lakh Only)** with two solvent sureties **each** 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 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 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; 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 mark his presence before the SHO of the concerning police station in the first week of every month till conclusion of the 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

(LJ*)