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

**BEFORE
HON'BLE SMT. JUSTICE SUNITA YADAV
ON THE 24th OF JANUARY, 2024**

MISC. CRIMINAL CASE No. 3283 of 2024

BETWEEN:-

**SATISH @ CHHUNNA KHATIK S/O LATE RAMNARESH
KHATIK, AGED 26 YEARS, OCCUPATION: MAZDUR, R/O
GRAM BHAGITA KA PURA, DISTRICT MORENA
(MADHYA PRADESH)**

.....APPLICANT

(BY SHRI AYUSH KULSHRESTHA - ADVOCATE)

AND

**THE STATE OF MADHYA PRADESH THROUGH POLICE
STATION GOLE KA MANDIR, DISTRICT GWALIOR
(MADHYA PRADESH)**

.....RESPONDENT

(BY SHRI GIRRAJ SONI - PANEL LAWYER)

*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 Crime No. 169 of 2023 registered at Police Station Gola Ka Mandir, District Gwalior (M.P.) for the offence under Sections 392 of IPC and Section 11/13 of MPDVPK Act.

Learned counsel for the applicant/accused argued that the applicant is innocent and has been falsely implicated. FIR is lodged against unknown persons, however, TIP in respect to the present applicant has not been conducted and neither looted articles has been seized from his possession. The

applicant is under custody since 18.09.2023. After conclusion of investigation, charge sheet has already been filed, therefore, his custodial interrogation is not required anymore. He is permanent resident of District Morena (M.P.). There is no possibility of his absconsion or tampering with the prosecution evidence. Hence, he prays for grant of bail to the applicant.

Per contra, learned Panel Lawyer for the respondent/State vehemently opposed the bail application by citing criminal antecedents 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 the applicant be released on bail on furnishing a personal bond in the sum of **Rs.1,00,000 (Rupees One Lac Only) with two solvent sureties of Rs.50,000/- 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; and

7) The applicant shall mark his presence before the SHO of the concerning Police Station in the first week of every month until case is finally decided.

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/-