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. 4425 of 2024

BETWEEN:-

DEEPENDRA @ DEEPAK SINGH S/O SHRI MANIRAM JATAV, AGED ABOUT 28 YEARS, OCCUPATION: LABOUR GRAM RANGE KA PURA BARHI POLICE THANA PHOOP DISTRICT BHIND MP (MADHYA PRADESH)

.....APPLICANT

(BY MR. VIDYA SAGAR CHATURVEDI - ADVOCATE)

AND

THE STATE OF MADHYA PRADESH INCHARGE POLICE STATION THROUGH POLICE THANA PHOOP DISTRICT BHIND MP (MADHYA PRADESH)

.....RESPONDENT

(BY MR. 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.243 of 2022 registered at Police Station Phooph, District Bhind (M.P.) for the offence under Sections 324, 323, 294, 506 (Part-II) and later enhanced Sections 325, 326, 34 of IPC.

Learned counsel for the applicant argued that the applicant is innocent and has been falsely implicated. Earlier case was registered for the offences under Sections 324, 323, 294, 506 (part-II) and 325 of IPC, however, learned trial Court has taken cognizance under Section 326 of IPC and thereafter,

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applicant - accused got arrested. It is further argued that on the same set of evidence, applicant - accused was granted bail and he never misused the liberty so granted. Under these circumstances so also in the light of the fact that injury allegedly inflicted by applicant - accused was not found to be caused by sharp-cutting object, he is entitled to get benefit of bail. Further argument is that the applicant is in custody since 20.12.2023. After conclusion of investigation, charge-sheet has already been filed, therefore, there is no requirement of further custodial interrogation of the applicant. Applicant is the permanent resident of District Bhind (M.P.) and 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 Public Prosecutor for the respondent/State vehemently opposed the bail application 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 Lakh 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 the case may be;

3) The applicant will not indulge himself in extending

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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 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; 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.

(SUNITA YADAV)
JUDGE

AKS

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