

1
**IN THE HIGH COURT OF MADHYA PRADESH
AT GWALIOR**

**BEFORE
HON'BLE SMT. JUSTICE SUNITA YADAV
ON THE 5th OF FEBRUARY, 2024
MISC. CRIMINAL CASE No. 4883 of 2024**

BETWEEN:-

**SATISH @ CHHUNNA KHATIK S/O LATE RAMNARESH
KHATIK, AGED 26 YEARS, OCCUPATION : MAZDURI,
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 MURAR, 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 the **first** application filed by the applicant under Section 439 of the Cr.P.C. for grant of bail relating to Crime No. 370 of 2023 registered at Police Station Morar, District Gwalior (M.P.) for the offence under Sections 392 of IPC and Section 11, 13 of MPDVPK Act.

Learned counsel for the applicant argued that applicant is an innocent person and has been falsely implicated. Further submission is that neither looted article has been seized from the possession of the applicant nor he was identified in T.I.P.. It is further submitted that main accused Chhotu and co-accused

Krishna have already been enlarged on bail by the Coordinate Bench of this Court vide orders dated 05.10.2023 in M.Cr.C.No.42655 of 2023 and 05.10.2023 in M.Cr.C.No.41343 of 2023 respectively. The applicant is in custody since 18.09.2023 and he is permanent resident of District Morena. Conclusion of trial is likely to take time and there is no likelihood of his absconsion, if released on bail. On these grounds, he prays for grant of bail to the applicant.

P e r contra, learned Dy. Public Prosecutor for respondent/State vehemently opposed the bail application by citing criminal history 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 one 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;
- 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 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.

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.

AK/-

(SUNITA YADAV)
JUDGE