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. 4896 of 2024

BETWEEN:-

AJAY KUSHWAH S/O SHRI OMPRAKASH KUSHWAH, AGED 22 YEARS, R/O MAHAGAON @ BHATTA GAON, PS SADAR BAZAR, DISTRICT JHANSI (UTTAR PRADESH)

.....APPLICANT

(BY SHRI HARSHVARDHAN SHARMA - ADVOCATE)

AND

THE STATE OF MADHYA PRADESH THROUGH POLICE STATION KOTWALI DISTRICT DATIA (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. 342 of 2023 registered at Police Station Kotwali, District Datia (M.P.) for the offence under Sections 399, 400, 402 of IPC and Section 11, 13 of MPDVPK Act and Section 25, 27 of Arms Act.

Learned counsel for the applicant argued that applicant is an innocent person and has been falsely implicated. *Baka* has been seized from the possession of the applicant. After conclusion of the investigation, charge-sheet has already been filed, therefore, his custodial interrogation is not required anymore. It is

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further submitted that co-accused Umesh Parihar and Monu Pal have already been enlarged on bail by the Coordinate Bench of this Court vide orders dated 23.08.2023 in M.Cr.C.No.36153 of 2023 and 29.12.2023 in M.Cr.C.No.52168 of 2023 respectively. The applicant is in custody since 31.05.2023. 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 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 local 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

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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

AK/-

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