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

**BEFORE
HON'BLE SMT. JUSTICE SUNITA YADAV
ON THE 2nd OF JANUARY, 2024
MISC. CRIMINAL CASE No. 43572 of 2023**

BETWEEN:-

**SABHARAM S/O SHRI JAGDISH KEWAT, AGED ABOUT
32 YEARS, OCCUPATION: LABOUR, R/O HANSRAJ KA
PURA, POLICE STATION SARAI CHHOLA, DISTRICT
MORENA (MADHYA PRADESH)**

.....APPLICANT

(BY SHRI ADITYA SHARMA- ADVOCATE)

AND

**THE STATE OF MADHYA PRADESH THROUGH POLICE
STATION SARAI CHHOLA, DISTRICT MORENA
(MADHYA PRADESH)**

.....RESPONDENT

(BY SHRI G.S. CHOUHAN - 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. 42 of 2011 registered at Police Station Saraichhola, District Morena (M.P.) for the offence punishable under Sections 302, 294, 323, 34 of IPC.

Learned counsel for the applicant argued that the applicant is innocent and has been falsely implicated. It is further argued that since the applicant went to Gujarat for his livelihood, therefore, he could not appear before the trial Court. Further argument is that no role has been attributed to application to

cause injury to deceased - Ram Singh. As per prosecution story, applicant inflicted lathi blow on Shiv Singh, however, no grievous injury of lathi is found on the body of Shiv Singh. The applicant is in custody since 11.04.2023. Further argument is that the applicant has no criminal history. He is permanent resident of District Morena (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 counsel for the State has vehemently opposed the bail application and prayed for its rejection.

Heard learned counsel for the rival parties and perused the case diary available.

Having considered the arguments rendered by learned counsel for the parties, so also, looking to 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 applicants be released on bail on furnishing a personal bond in the sum of **Rs.100,000/- (Rupees One Lakh Only)** with two solvent sureties of 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 applicants:-

- 1) The applicant will comply with all the terms and conditions of the bond executed by them;
- 2) The applicant will cooperate in the investigation/trial, as the case may be;
- 3) The applicant will not indulge themselves 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.

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

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