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

**BEFORE
HON'BLE SMT. JUSTICE SUNITA YADAV
ON THE 5th OF JANUARY, 2024
MISC. CRIMINAL CASE No. 51401 of 2023**

BETWEEN:-

**MANISH YADAV S/O SHRI VINOD YADAV, AGED ABOUT
18 YEARS, OCCUPATION: KHETI, R/O GRAM NICHROLI
TEH AND DISTRICT DATIA (MADHYA PRADESH)**

.....APPLICANT

(BY SHRI SUSHEEL GOSWAMI - ADVOCATE)

AND

**THE STATE OF MADHYA PRADESH THROUGH POLICE
THANA KOTWALI DATIA (MADHYA PRADESH)**

.....RESPONDENTS

**(SHRI DINESH SAVITA - PUBLIC PROSECUTOR FOR THE STATE AND
SHRI UPENDRA SHARMA - ADVOCATE FOR THE COMPLAINANT)**
.....

*This application coming on for admission this day, the court passed the
following:*

ORDER

This is **first** application filed by the applicant under Section 439 of the Cr.P.C. for grant of bail relating to Crime No. 593 of 2023 registered at Police Station Kotwali, District Datia (M.P.) for the offence under Sections 294, 307, 34 of IPC, Sections 25/27 of Arms Act.

Learned counsel for the applicant argued that the applicant is innocent and has been falsely implicated. It is further argued that present FIR is counterblast of cross-case bearing crime no.595/2023. Further argument is that the FIR was lodged on account of some misunderstanding, however, the matter has now been settled between the parties and they have entered into

compromise for which compromise application has been filed. The applicant is in custody since 31.08.2023. After conclusion of investigation, charge-sheet has been filed, therefore, further custodial interrogation is no more required. The applicant is permanent resident of District Datia (M.P.) and there is no possibility of his absconding or tempering with prosecution case. On these grounds, he prays for grant of bail to the applicants.

Per contra, learned counsel for the State has opposed the bail application and prayed for its rejection.

However, the counsel appearing on behalf of complainant fairly conceded that he has no objection, if the applicant may be enlarged on bail.

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.25,000/- (Rupees Twenty Five Thousand 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 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/she 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.

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.

vpn

(SUNITA YADAV)
JUDGE