IN THE HIGH COURT OF MADHYA PRADESH AT GWALIOR

BEFORE

HON'BLE SMT. JUSTICE SUNITA YADAV

ON THE 4th OF JANUARY, 2024

MISC. CRIMINAL CASE No. 51509 of 2023

BETWEEN:-

SHANKAR @ RAMSHANKAR S/O MISHRILAL VALMIK, AGED ABOUT 75 YEARS, R/O BALALPURA POLICE THANA ATER HAL NIWASI SARSAIPURA DISTRICT BHIND (MADHYA PRADESH)

.....APPLICANT

(BY SHRI DEEPENDRA SINGH KUSHWAHA - ADVOCATE)

AND

THE STATE OF MADHYA PRADESH THROUGH POLICE STATION DABOH DISTRICT BHIND (MADHYA PRADESH)

.....RESPONDENT/STATE

(BY SHRI ABHA MISHRA - PUBLIC PROSECUTOR)

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. 03 of 1995 registered at Police Station Daboh, District Bhind (M.P.) for the offence under Sections 302, 404, 120-B and 34 of IPC.

Learned counsel for the applicant argued that the applicant is innocent and has been falsely implicated. He has been arrayed as an accused only on the basis of extra judicial confession made by co-accused-Kamlu, however, Kamlu has been examined as PW/3 and has not supported the case of prosecution and

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turned hostile. Other material witnesses i.e. Chaturi/(PW/1), Saroj/(PW/2), Brijmohan /(PW/4) and Matlabi/(PW/5) have also not supported the prosecution case and turned hostile. All the accused persons have already been acquitted by the learned trial Court in this case. Under these circumstances, custodial interrogation is no more required as charge-sheet has already been filed. He is in custody since 30.08.2023. The applicant is permanent resident of District Bhind (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 vehemently opposed the bail application and prayed for its rejection.

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.50,000/- (Rupees Fity Thousand Only) with a 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

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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.

(SUNITA YADAV)
JUDGE

(LJ*)

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