

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

BEFORE

HON'BLE SHRI JUSTICE ANAND PATHAK

ON THE 16th OF JANUARY, 2024

MISC. CRIMINAL CASE No. 56211 of 2023

BETWEEN:-

**RISHABH SHARMA S/O SHRI MANOJ SHARMA, AGED
ABOUT 24 YEARS, WARD NO 7 ANOOPGANJ SEONDHA
DISTRICT DATIA (MADHYA PRADESH)**

.....APPLICANT

**(BY SHRI R.K. SHARMA - LEARNED SENIOR COUNSEL WITH SHRI ATUL
GUPTA, SHRI M.K. CHOUDHARY, MS. BHAVYA SHARMA AND SHRI
ABHIJEET SINGH TOMAR - ADVOCATE FOR THE APPLICANT)**

AND

**THE STATE OF MADHYA PRADESH INCHARGE POLICE
STATION THROUGH POLICE STATION SEONDHA
DHSTRIC DATIA (MADHYA PRADESH)**

.....RESPONDENTS

**(BY SHRI RAVINDRA SINGH KUSHWAH - DY. A.G. FOR
RESPONDENT/STATE
BY SHRI P.S. BHADORIYA - ADVOCATE FOR COMPLAINANT)**

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

ORDER

1. The present application is preferred at the instance of applicant pressing for bail on the ground of period of custody which is more than one and half year and the fact that one material prosecution witness has been examined.

2. Learned counsel for respondent opposed the prayer on the ground that out of total accused persons recently four have been arrested, therefore, *de novo* trial shall begin. This may prejudicially affect the prospects of complainant

because intimidation to witnesses may not be ruled out. Five accused are already on bail.

3. At this stage, learned senior counsel for applicant seeks withdrawal of this application but raised the anxiety that trial be commenced at a brisk pace so that material prosecution witnesses may be examined and applicant may be given liberty to renew the prayer thereafter.

4. At this stage, counsel for complainant fairly makes a statement at bar that complainant/material prosecution witnesses shall appear for deposition before the trial Court without any delay.

5. Prayer noted.

6. Application stands dismissed as withdrawn and Investigating Officer and Public Prosecutor as well as prosecution witnesses are directed to remain present on the date when trial Court would fix the date for evidence and on that date witnesses shall appear without fail. Trial Court shall take endeavour to undertake the deposition of material prosecution witnesses at the earliest.

7. Application stands dismissed as withdrawn with aforesaid liberty.

(ANAND PATHAK)
JUDGE

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