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

**BEFORE
HON'BLE SMT. JUSTICE SUNITA YADAV
ON THE 8th OF JANUARY, 2024
MISC. CRIMINAL CASE No. 57063 of 2023**

BETWEEN:-

**DASHRATH SINGH RANA S/O SHRI LAXMAN RANA,
AGED ABOUT 54 YEARS, OCCUPATION: SERVICE
VILLAGE KHERWAR POLICE STATION ANTRI DISTRICT
GWALIOR (MADHYA PRADESH)**

.....APPLICANT

(SHRI PRASHANT SHARMA, LEARNED COUNSEL FOR THE PETITIONER)

AND

**THE STATE OF MADHYA PRADESH INCHARGE POLICE
STATION THROUGH POLICE STATION BHITARWAR
DISTRICT GWALIOR M.P. (MADHYA PRADESH)**

.....RESPONDENTS

**(SHRI APS TOMAR - PUBLIC PROSECUTOR APPEARING ON BEHALF OF
ADVOCATE GENERAL).**

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

ORDER

I.A.No. 242/2024, an application for taking medical documents of the applicant on record is taken up, considered and allowed for the reasons mentioned therein.

Documents are taken on record.

This is the **first** application filed by the applicant under Section 439 of the Cr.P.C. for grant of bail relating to FIR No. 05 of 2017 registered at Police Station Bhitwar, District Gwalior (M.P.) for the offence under Sections 420,

467, 468, 471 of IPC.

Learned counsel for the applicant argued that applicant is an innocent person and has been falsely implicated. He further argued that applicant is the only earning member of his family. The matter / dispute regarding mark sheet has travelled upto High Court as well as to the Court of Commissioner . The High Court vide order dated 25/01/2012 remanded the case back for providing opportunity of hearing to the applicant / accused. It is further argued that even the order of removal from service was challenged before the Commissioner, Gwalior Division, Gwalior and the same was set aside. The applicant has completed D.Ed. course in July, 2010 and filed his mark sheet. It is further argued that all the relevant documents have already been seized by the Department from the possession of the applicant, therefore, his further custodial interrogation may not be required any more. The applicant is in custody since 10/12/2023. Investigation is nearing completion. The applicant is permanent resident of District Gwalior. 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.

Per contra, learned counsel for the 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 Lakh Only) with two local solvent sureties** 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 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 the 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

Durgekar