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

**BEFORE
HON'BLE SMT. JUSTICE SUNITA YADAV
ON THE 10th OF JANUARY, 2024
MISC. CRIMINAL CASE No. 57146 of 2023**

BETWEEN:-

**SHIVA @ JUDDI S/O LAKHAN, OCCUPATION: MAZDURI,
R/O ADIWASI MOHALLA MEHGAON, DISTRICT BHIND
(MADHYA PRADESH)**

.....APPLICANT

(BY SHRI DHARMENDRA SHARMA - ADVOCATE)

AND

**THE STATE OF MADHYA PRADESH THROUGH POLICE
STATION BAROHI, DISTRICT BHIND (MADHYA
PRADESH)**

.....RESPONDENT

(BY SMT. ABHA MISHRA - 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.34 of 2023 registered at Police Station Barohi, District Bhind (M.P.) for the offence under Sections 379, 356 of IPC.

Learned counsel for the applicant/accused argued that the applicant is innocent and has been falsely implicated. Only Rs.500/- has been seized from his possession. Co-accused persons have already been granted bail by the learned trial Court. *Mangalsutra* has not been seized from his possession. He is in custody since 25.11.2023. After conclusion of investigation, charge sheet

has already been filed, therefore, his custodial interrogation is not required any more. He is permanent resident of District Bhind (M.P.). and there is no possibility of his absconsion or tampering with the prosecution evidence. He shall abide by all the terms and conditions which may be imposed by this Court upon him. On these grounds, he prays for grant of bail to the applicant.

On the other hand, learned Public Prosecutor for the respondent/State vehemently opposed the 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 Fifty Thousand Only)** with one solvent surety 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/her;
- 2) The applicant will cooperate in the investigation/trial, as the case may be;
- 3) The applicant will not indulge himself/herself 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 accusedh;

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.

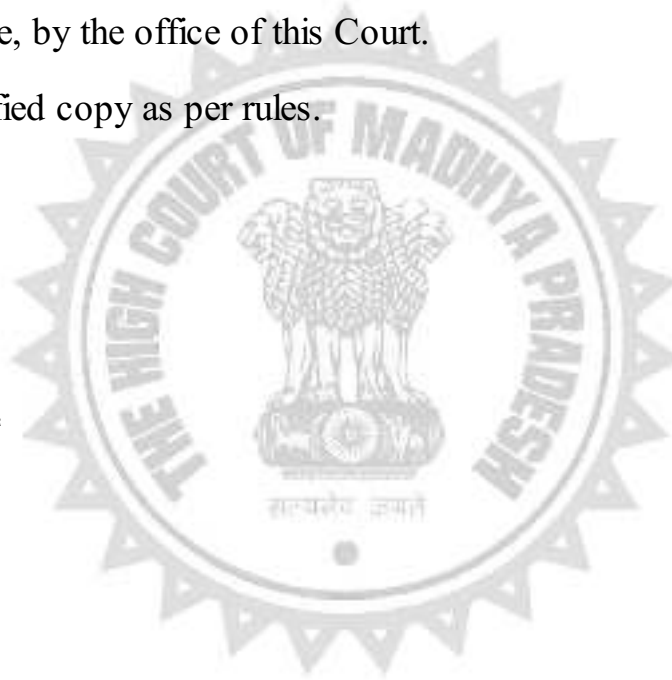
Learned State counsel is directed to send an e-copy of this order to the Station House Officer of the concerned Police Station for information and necessary action.

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.

AK/-

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(SUNITA YADAV)
JUDGE