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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. 58197 of 2023**

BETWEEN:-

**AKASH @ CHHOTU BATHAM @ CHIREIYA S/O SHRI
SURESH BATHAM OCCUPATION: LABOUR JOSHIYAN
MOHALLA, LADHEDI GIRD GWALIOR M.P. (MADHYA
PRADESH)**

.....APPLICANT

(BY SHRI ANAND KUMAR JAISWAL - ADVOCATE)

AND

**THE STATE OF MADHYA PRADESH INCHARGE POLICE
STATION THROUGH POLICE THANA GWALIOR MP
(MADHYA PRADESH)**

.....RESPONDENT

(BY SHRI DINESH SAVITA - PUBLIC PROSECUTOR)

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

ORDER

This is **first** application filed by the application under Section 439 of the Cr.P.C. for grant of bail relating to Crime No. 726 of 2023 registered at Police Station Gwalior, District Gwalior (M.P.) for the offence under Section 392 of IPC and Sections 11/13 of MPDVPA Act.

Learned counsel for the applicant argued that the applicant is innocent and has been falsely implicated. As per prosecution story, applicant snatched the Mangalsutra of complainant. FIR is lodged against unknown persons. As the complainant could not see the culprit because of darkness, in these

circumstances, identification lost its significance. The applicant is in custody since 29-10-2023. Investigation has already been concluded by filing of charge-sheet, therefore, there is no requirement of further custodial interrogation of the applicant. Applicant is the permanent resident of District Gwalior (M.P.) and there is no possibility of his absconsion or tampering with the prosecution evidence. Applicant is ready and willing to abide by all the terms and conditions if he is granted bail. Hence, he prays for grant of bail to the applicant.

Per contra, learned counsel for the State vehemently opposed the bail application citing the criminal history of the applicant 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.50,000/- (Rupees Fifty thousand Only)** with a 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 them 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 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;

6) The applicant will not leave India without previous permission of the trial Court/Investigating Officer, as the case may be; and

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**

vpn