IN THE HIGH COURT OF MADHYA PRADESH AT INDORE

BEFORE

HON'BLE SHRI JUSTICE VIJAY KUMAR SHUKLA

ON THE 2nd OF FEBRUARY, 2024

MISC. CRIMINAL CASE No. 2121 of 2024

BETWEEN:-

HEMANT S/O AMARSINGH BHIL, AGED ABOUT 20 YEARS, OCCUPATION: LABOUR GRAM AAMKHEDA, DHAR,
(MADHYA PRADESH)

.....APPLICANT

(SHRI ANOPAM CHOUHAN, LEARNED COUNSEL FOR THE APPLICANT.)

AND

THE STATE OF MADHYA PRADESH STATION HOUSE OFFICER THROUGH P.S. KOTWALI DIST DHAR (MADHYA PRADESH)

.....RESPONDENTS

(SHRI SAGAR MULEY, LEARNED P.L. FOR THE STATE.)

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

ORDER

This is repeat (second) application under section 439 Cr.P.C. for grant of regular bail in connection with FIR No.3/2021 dated (not mentioned) registered at P.S-Kotwali, District-Dhar (M.P.) for offences punishable under Section(s) 399, 402 of IPC and section 25 and 27 of Arms Act.

2. The applicant was granted bail by this Court by order dated 17.05.2021 in M.Cr.C.No. 16823/2021. The applicant could not appear before the trial court on 17.10.2023 and his bail bonds were forfeited. Thereafter the applicant surrendered before the trial court. The trial court rejected the bail application on the ground that applicant has jumped the bail and because of his conduct the trial has delayed.

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Signed by: AJIT KAMALASANAN
Signing time: 02-02-2024 18:13:56

3. Counsel for the applicant submits that applicant is a labourer and he had gone to some other place for livelihood and due to that he could not appear on the said date. It is further submitted the applicant undertakes to appear on each and every date before the trial court without committing any default.

4. Counsel for the State opposes the prayer for grant of bail.

5. After hearing learned counsel for the parties and taking into consideration the fact that applicant was already granted bail by this Court and due to bonafide reason, he could not appear before the trial court on 17.10.2023 and he further undertakes to appear on each and every date before the trial court without committing any default, the application is allowed.

6. It is directed that applicant **HEMANT** shall be released from custody upon furnishing a fresh personal bond of **Rs.50,000/- (Rupees Fifty Thousand Only)** with one surety of the like amount to the satisfaction of the Court below on the condition that applicant shall appear before the concerned trial court on each and every date without committing any default and if the applicant commits default, trial court shall be free to forfeit the bail bonds and to take steps for arrest of the applicant.

7. A typed copy of this order is being forwarded to the Office of the Advocate General, on their email address, for intimation to the Police Station concerned. The office is requested to forward a copy of this order to the Court below.

8. With the aforesaid, the application is allowed and disposed off.

C.C. as per rules.

(VIJAY KUMAR SHUKLA)
JUDGE

ajit

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Signed by: AJIT KAMALASANAN
Signing time: 02-02-2024 18:13:56