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. 3549 of 2024

BETWEEN:-

RAKESH JAIN S/O SHRI SATISH CHANDRA JAIN, AGED ABOUT 61 YEARS, OCCUPATION: GOVT. SERVICE 40, SANCHAR NAGAR MAIN INDORE (MADHYA PRADESH)

.....APPLICANT

(BY SHRI PIYUSH GOYAL - ADVOCATE)

AND

STATE OF M.P. STATION HOUSE OFFICER THROUGH POLICE STATION M.S. ROAD, DISTRICT INDORE (MADHYA PRADESH)

.....RESPONDENT

(BY MS. BHAGYASHREE GUPTA - PUBLIC PROSECUTOR)

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

ORDER

The present petition is filed under Section 482 of Cr.P.C. seeking modification of the bail condition imposed by this Court in its order dated 27.01.2010 in MCRC No.399/2010 whereby the applicant was granted regular bail under Section 439 of Cr.P.C. and a condition was imposed that the applicant shall appear before the police authorities on first Sunday of every month between 10 AM to 12 Noon during the pendency of the trial.

2. Counsel for the applicant submits that the trial is still pending and for last about 14 years, he has been marking his presence before the concerned police station in terms of the said condition of the bail order. It is further

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submitted that under similar circumstances in the case of co-accused Anand Shah in MCRC No.13076/2023, this Court has modified the said condition by order dated 27.04.2023.

3. Counsel for the State opposed the prayer and submits that the Court must have incorporated the said condition because of criminal antecedents.

4. However, upon perusal of the bail order, it is not reflected that there is any criminal record of the applicant. Considering the fact that the trial is still pending for more than 14 years and the applicant is marking his presence before the concerned police station without committing any default for last 14 years and he is appearing before the trial Court, this Court is of the view that the said condition does not require to be continued in the bail order.

5. In view of the aforesaid, the condition in the bail order to mark his presence in the concerned police station on first Sunday of every month between 10 AM to 12 Noon during the pendency of the trial is deleted. However, the applicant shall continue to appear before the trial Court on the dates fixed in this regard without committing any default. The application is allowed.

6. The other conditions of the bail order shall remain intact. The order passed today shall be read conjointly with the order dated 27.01.2010 in MCRC No.399/2010.

7. With the aforesaid, application is **allowed and disposed off**.

(VIJAY KUMAR SHUKLA)
JUDGE

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