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. 3969 of 2024

BETWEEN:-

AVINASH DHAWAN S/O MAHENDRA DHAWAN, AGED ABOUT 19 YEARS, OCCUPATION: STUDENT 131, JAWAHAR NAGAR, RATLAM (MADHYA PRADESH)

.....APPLICANT

(BY SHRI AVIRAL VIKAS KHARE, ADVOCATE)

AND

THE STATE OF MADHYA PRADESH STATION HOUSE OFFICER THROUGH OFFICER IN CHARGE, POLICE STATION AUDHUYOGIK NAGAR (MADHYA PRADESH)

.....RESPONDENTS

(BY SHRI SANTOSH SINGH THAKUR - G.A.)

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

ORDER

This is third application under Section 439 of the Cr.P.C. filed on behalf of the applicant in connection with Crime No.175/2023 registered at Police Station - Audhyogik Nagar, Ratlam (M.P.) under Sections 307, 294, 323, 324 r/w 34 of IPC and section 25 of the Arms Act. The previous application was dismissed as withdrawn with liberty to renew the prayer after recording of the statement of injured Virendra.

2. Counsel for the applicant submits that both the injured persons Rohit and Virendra have been examined in the court as PW-1 and PW-3. They have not supported the prosecution case. The applicant is in jail since 1.4.2023.

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Conclusion of trial is likely to take sufficient long time. In these circumstances, the applicant be released on bail.

3. Counsel for the State opposes the prayer for grant of bail on the ground that there are criminal antecedents of the applicant.

4. After hearing learned counsel for parties and taking into consideration that injured witnesses have turned hostile and have not supported the prosecution case, the conclusion of trial may take time, I am of the view that the applicant is entitled for grant of bail, however on certain conditions. Therefore, without expressing any view on the merits of the case, the application is allowed.

5. It is directed that Applicant- Avinsh Dhawan shall be released from custody upon furnishing a 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 following conditions :-

(i) that applicant shall not indulge in any offence during the pendency of the bail and if he indulges in any offence during the bail, the prosecution may file an application for cancellation of bail.

(ii) the applicant shall mark his presence before the concerned police station on every 15th day of the month during the pendency of trial.

6. 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.

C.c. as per rules.

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(VIJAY KUMAR SHUKLA)
JUDGE

MK

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