IN THE HIGH COURT OF MADHYA PRADESH AT INDORE

BEFORE

HON'BLE SHRI JUSTICE VIJAY KUMAR SHUKLA

ON THE 5th OF FEBRUARY, 2024

MISC. CRIMINAL CASE No. 4337 of 2024

BETWEEN:-

PATLIYA S/O DEMA TADVI BHIL, AGED ABOUT 40 YEARS, OCCUPATION: LABOR NAVAD FALYA SEJLA, THANA BISTHAN DISTRICT KHARGONE (MADHYA PRADESH)

.....APPLICANT

(BY MS. ARCHANA MAHESHWARI - ADVOCATE)

AND

THE STATE OF MADHYA PRADESH STATION HOUSE OFFICER THROUGH POLICE STATION BISTHAN DISTRICT KHARGONE (MADHYA PRADESH)

.....RESPONDENT

(BY SHRI TARUN PAGARE - G.A.)

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

ORDER

This is first application under section 439 Cr.P.C. for grant of regular bail in connection with FIR No. 257/2023, registered at P.S. Bisthan, district Khargone for the offence under section 302 of the IPC.

2. It is alleged that applicant along with other co-accused persons committed murder of one Rukhadiya.

3. Counsel for the applicant submits that prosecution case is based on last seen evidence and circumstantial evidence. Counsel submits that last seen witnesses namely Mayaram and Chainsingh have not mentioned his name.

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Apart from that, there is no seizure except his shirt and his memorandum.

4. Counsel for the State opposes the prayer for grant of bail by submitting that name of the applicant has been mentioned by co-accused Ramesh in his memorandum.

5. After hearing learned counsel for the parties and considering the fact that name of the applicant has not been mentioned by the last seen witnesses namely Mayaram and Chainsingh and there is seizure of his shirt only, apart from that, prima facie there is no evidence. However, without expressing any view on the merits of the case, the application is allowed.

6. It is directed that Applicant- Patliya 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.

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.

C.c. as per rules.

(VIJAY KUMAR SHUKLA)
JUDGE

MK

Signature Not Verified
Signed by: MUKTA CHANDRASHEKHAR KOUSHAL
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