IN THE HIGH COURT OF MADHYA PRADESH AT INDORE

BEFORE

HON'BLE SHRI JUSTICE PREM NARAYAN SINGH

ON THE 2nd OF FEBRUARY, 2024

MISC. CRIMINAL CASE No. 4361 of 2024

BETWEEN:-

1. CHHEGA S/O BALIYA MANDLOI,
AGED ABOUT 40 YEARS,
OCCUPATION: AGRICULTURIST
R/O. BAIJDA, TEHSIL ALIRAJPUR
DISTRICT ALIRAJPUR
(MADHYA PRADESH)

2. GILDAR S/O RUMALIYA BHAIDIYA,
AGED ABOUT 34 YEARS,
OCCUPATION: AGRICULTURIST
R/O. BAIJDA TEHSIL ALIRAJPUR
DIST ALIRAJPUR (MADHYA PRADESH)

.....APPLICANT

(SHRI ASHISH GUPTA - ADVOCATE)

AND

THE STATE OF MADHYA PRADESH
STATION HOUSE OFFICER THROUGH
POLICE STATION SONDAVA,
DISTRICT ALIRAJPUR (MADHYA PRADESH)

.....RESPONDENTS

(SHRI SAMEER VERMA - PANEL LAWYER)

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

ORDER

1. This is the first bail application filed on behalf of the applicants under Section 439 of the Code of Criminal Procedure for grant of bail. The applicant is arrested in relation to Crime No.259/2023, registered at Police Station Sondawa, District Alirajpur for the offence under Sections 365, 195-A, 120-B,

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Signed by: SUMATHI
Signing time: 03-02-2024 16:17:29

467, 471, 149 of IPC. 1860. The applicant is in jail since 24.08.2023.

2. As per the prosecution story, the allegations against the applicants is that they have kidnapped the complainant and threaten them.

3. Learned counsel for the applicants submits that the applicants are innocent and they have falsely been implicated in this case. It is further submitted that the allegations were leveled against the applicants by the complainants regarding kidnapping for threatening for false statement. It is further submitted that the statements of complainant and her husband has already been recorded before the trial court and they have turned hostile and not supported the prosecution story. Co-accused persons Bhayla and Makna have already been granted bail by this Court vide order dated 22.01.2024 passed in M.Cr.C. No.794/2024 and the case of the applicants are similar to that of co-accused persons. The applicants are in jail since 24.08.2023. Final conclusion of trial will take a sufficient long time. Under these circumstances, counsel prays for grant of bail to the applicants.

4. On the other hand, learned counsel for the State has opposed the prayer, but fairly admitted that the complainant and her husband have turned hostile before the trial court.

5. After hearing learned counsel for the parties and looking to the facts and circumstances of the case and the complainant has turned hostile and custody period, so also the on the ground of parity with co-accused persons, I am of the view that it is a case, in which the applicants may be released on bail. Consequently, without commenting on the merits of the case, the first bail application under Section 439 of the Code of Criminal Procedure for grant of bail filed on behalf of applicants, stands **allowed.**

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6. It is directed that the applicants be released on bail on their furnishing a personal bond in the sum of **Rs.50,000/- (Rupees Fifty thousand only) each** with one solvent surety each in the like amount to the satisfaction of the trial Court, for their regular appearance before the trial Court during trial with a condition that they shall remain present before the concerned Court on all the dates fixed by it during trial. They shall abide by all the conditions enumerated under Section 437(3) of Cr.P.C.

7. This order shall be effective till the end of the trial. However, in case of bail jump and breach of any of the conditions of bail, it shall become ineffective.

Certified copy as per rules.

(PREM NARAYAN SINGH)
JUDGE

sumathi

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