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. 4430 of 2024

BETWEEN:-

DINESH S/O GYAN SINGH KHARTE, AGED ABOUT 26 YEARS, OCCUPATION: LABORER R/O RUPKHEDA P.S. GOGAWA DISTT.KHARGONE (MADHYA PRADESH)

.....APPLICANT

(BY SHRI AVINASH YADAV-ADVOCATE)

AND

THE STATE OF MADHYA PRADESH STATION HOUSE OFFICER THROUGH POLICE STATION BISTAN DISTT. KHARGONE (MADHYA PRADESH)

.....RESPONDENTS

(SAMEER VERMA PL APPEARING ON BEHALF OF ADVOCATE GENERAL.
)

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

ORDER

Heard and perused the case diary.

This is the first bail application filed by the applicant under Section 439 of the Code of Criminal Procedure for grant of regular bail relating to Crime No.03/2023, registered at P.S.- Bistan, District-Khargone (M.P.) for the offence punishable under Section 302,120-B of IPC. The applicant is in detention since 06.10.2023.

2. The allegation against the applicant is that he helped the co-accused persons in the commission of murder of the deceased.

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3. Learned counsel for the applicant has submitted that the applicant is innocent and has been falsely implicated in this crime. The applicant has made accused only on the basis of memorandum statement of main accused person namely Totaram. Co-accused Dinesh has been enlarged on bail by this Court vide order dated 23.01.2024, passed in MCRC No.2544/2024 and the present applicant has complete parity with the co-accused person. The applicant is in custody since 06.10.2023. The conclusion of the trial is likely to take sufficient long time, therefore, it is prayed that the application be allowed and the applicant be released on bail.

4. Learned counsel for the State has vehemently opposed the prayer and prayed for its dismissal.

5. Considering the facts and circumstances of the case and the arguments advanced by learned counsel for the parties, without commenting on the merits of the case, the application filed by the applicant is allowed.

6. It is directed that the applicant be released on bail on his/her furnishing a personal bond in the sum of **Rs.50,000/- (Rupees Fifty thousand only)** with one solvent surety in the like amount to the satisfaction of the trial Court, to appear before the trial Court on the dates given by the Court. The applicant shall also abide by the conditions enumerated under Section 437 (3) Criminal Procedure Code, 1973.

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.

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(PREM NARAYAN SINGH)
JUDGE

VD

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