IN THE HIGH COURT OF MADHYA PRADESH AT JABALPUR

BEFORE

HON'BLE SMT. JUSTICE ANURADHA SHUKLA

ON THE 2nd OF FEBRUARY, 2024

MISC. CRIMINAL CASE No. 3032 of 2024

BETWEEN:-

NIKHIL KAHAR S/O SHRI GOVIND KAHAR, AGED ABOUT 28 YEARS, OCCUPATION: SERVICE CHANDRASHEKHAR AZAAD WARD BEHIND PREETAM KIRANA SHOP MATH ROAD TEHSIL AND DISTRICT SEONI (MADHYA PRADESH)

.....APPLICANT

(BY SHRI ARNAV TRIPATHI - ADVOCATE)

AND

THE STATE OF MADHYA PRADESH THROUGH POLICE STATION KEOLARI DISTRICT SEONI (MADHYA PRADESH)

.....RESPONDENTS

(BY SHRI C.K. MISHRA - GOVERNMENT ADVOCATE)

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

ORDER

This is **second** application under Section 439 of the Code of Criminal Procedure 1973 for grant of bail filed on behalf of the applicant who has been arrested relating to FIR/Crime No.587/2022 registered at Police Station Keolari, District Seoni, for the offences punishable under Sections 408, 409, 420, 467, 468, 471, 120-B of IPC. His earlier bail application (M.Cr.C. No.33164/2023) was dismissed on merits vide order dated 25.08.2023.

2. Learned counsel for the applicant submits that the applicant is in judicial custody since 02.05.2023 and the trial will take considerable time to

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conclude. He further submits that the applicant is innocent and has falsely been implicated in the case. The applicant is the permanent resident of district and is ready to furnish adequate surety and shall abide by all the conditions to be imposed by the Court. Upon these grounds, it is prayed that the applicant be released on bail.

Learned counsel for the State has opposed the bail application and prayed for its rejection.

Heard learned respective counsel for the parties and perused the case diary.

5. This bail application has been argued on the ground that on account of long period of custody and prospective delay in trial, the Apex Court has granted bail to the co-accused Lalit Saryam in SLP (CRL) No.12874/2023 on 16.01.2024. According to applicant, he was although charge-sheeted separately from co-accused Lalit Sariyam, but his case is at par with the co-accused Lalit Sariyam. Although, his earlier bail application was dismissed under M.Cr.C No.33164/2023, but it is now argued that applicant had lesser amount credited in his bank account as compared to Lalit Saryam and on the parameters of prospective delay in trial, his case is identical to the case of Lalit Saryam, therefore parity is prayed for.

6. Having considered these facts, this Court deems it fit to release the applicant on bail, therefore, without commenting on the merits of the case, this repeat application is **allowed**.

7. It is directed that the applicant shall be released on bail upon his 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

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of the trial Court concerned for his appearance before the said Court on all such dates as may be fixed in this regard during pendency of the trial.

8. It is further directed that the applicant shall comply with the provisions of Section 437(3) of Cr.P.C.

9. Accordingly, this M.Cr.C. stands **allowed** and **disposed of**.

(ANURADHA SHUKLA)
JUDGE

DevS

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