IN THE HIGH COURT OF MADHYA PRADESH AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE DINESH KUMAR PALIWAL

ON THE 2nd OF FEBRUARY, 2024

MISC. CRIMINAL CASE No. 4518 of 2024

BETWEEN:-

VIJAY S/O MR. HAZARILAL KUCHBANDIYA, AGED ABOUT 50 YEARS, OCCUPATION: LABOUR R/O WARD NO 10 TAHSIL SEONIMALWA DISTRICT NARMADAPURAM (MADHYA PRADESH)

.....APPLICANT

(BY SHRI ABHAY GUPTA - ADVOCATE)

AND

THE STATE OF MADHYA PRADESH THROUGH POLICE STATION SEONIMALWA DISTRICT NARMADAUPRAM (MADHYA PRADESH)

.....RESPONDENT

(BY SMT. NUPUR DHAMIJA - PANEL LAWYER)

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

ORDER

This is second bail application filed by the applicant under Section 439 of the Code of Criminal Procedure for grant of regular bail relating to F.I.R No.434/19 dated 16.11.2019 of P.S.Seoni Malva, District Hoshangabad (M.P.) for commission of offence under Section 3 and 5 of Explosive Act, 1908. He is in detention since 18.10.2023.

2. His first bail application was dismissed as withdrawn with liberty to renew the prayer for grant of bail after two months vide order dated 24.11.2023 passed in M.Cr.C. No.51386 of 2023.

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3 . As per the prosecution story, on 15.11.2019 complainant heard the sound of explosion and saw smoke coming out from the gym run by the present applicant. In investigation country made bomb was found exploded. F.I.R was registered.

4. Learned counsel for the applicant has submitted that applicant is innocent. He has not committed any offence. He has been falsely implicated. He is in jail for last three months. After investigation charge sheet has already been filed. There is no direct evidence against him. Trial of the case will take considerable time. Therefore, it has been prayed that the applicant may be released on bail pending the trial.

5. On the other hand, learned counsel for the State has opposed grant of bail to the applicant and has submitted that applicant has criminal background of 24 cases. Therefore, he may not be released on bail.

6. Per contra, learned counsel for applicant has submitted that applicant has been acquitted in almost all cases and these cases are of the year 2013 and prior to that.

7 . In this case, after investigation, charge-sheet has been filed. Having taken into consideration the detention period of the applicant and other facts and circumstances of the case including the fact that trial of the case will take considerable time but without expressing any opinion on the merit of the case, I am of the view that it is a case in which further pretrial detention of the applicant is not warranted. Consequently, second bail application under Section 439 of the Code of Criminal Procedure for grant of bail filed on behalf of applicant stands **allowed.**

8. It is directed that **applicant- Vijay** be released on bail on his furnishing a personal bond in the sum of **Rs.50,000/- (Rupees Fifty**

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Thousand only) with one solvent surety in the like amount to the satisfaction of the trial Court, for his regular appearance before the trial Court during trial with a condition that he shall remain present before the concerned Court on all the dates fixed by it during trial. He shall abide by all the conditions enumerated under Section 437(3) of Cr.P.C.

9. 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.

(DINESH KUMAR PALIWAL)
JUDGE

MKL

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