IN THE HIGH COURT OF MADHYA PRADESH AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE VISHAL DHAGAT

ON THE 18th OF JANUARY, 2024

MISC. CRIMINAL CASE No. 39076 of 2023

BETWEEN:-

SHAHRUKH KHAN S/O ABDUL NIZAM KHAN, AGED ABOUT 30 YEARS, OCCUPATION: DRIVER R/O NEAR HARI MAZAR RAJIV COLONY KARAUND BHOPAL (MADHYA PRADESH).

.....APPLICANT

(BY SHRI AHADULLA USMANI - ADVOCATE)

AND

THE STATE OF MADHYA PRADESH THROUGH POLICE STATION KOTWALI DISTRICT ANNUPUR (MADHYA PRADESH).

.....RESPONDENT

(BY SHRI AKSHAY NAMDEO - GOVERNMENT ADVOCATE)

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

ORDER

This is the ***fourth*** application filed by the applicant under Section 439 of the Code of Criminal Procedure for grant of regular bail relating to FIR No. 03/2021, registered at Police Station-Mahulijhir, District Chhindwara (MP) for the offence under Sections 302, 201, 120-B and 34 of Indian Penal Code.

2. Learned counsel appearing for the applicant submitted that applicant is in jail for last 3 years. There are 49 witnesses to be examined and only 12 witnesses have been examined in the case. There is no likelihood of completion of trial in near future. On merits also, counsel appearing for the applicant makes

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submissions. In these circumstances, learned counsel prays that applicant may be released on bail.

3. Learned Government Advocate appearing for the State opposed the application for grant of bail. It is submitted that on merits, earlier bail application of the applicant was considered and was dismissed. The grounds raised by the applicant was already considered in earlier bail application and therefore, now there is no change in circumstances. Co-accused Naresh Gurjar is having criminal antecedents and as many as 7 cases are registered against him. Deceased has earlier also lodged an FIR against him under Sections 420, 467, 468 and 471 of IPC. Applicant was hired for killing the deceased. Considering the nature of offence, applicant may not be released on bail.

4. Heard the counsel for the parties.

5. Considering facts and circumstances of the case, bail application filed by applicant is **dismissed.**

6. Trial Court is directed to expedite the trial and preferably complete the same within a period of six months.

7. Registry to sent a copy of this order to trial Court for compliance.

(VISHAL DHAGAT)
JUDGE

vkt

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Signed by: VINOD KUMAR TIWARI
Signing time: 15-01-2024 18:32:17