IN THE HIGH COURT OF MADHYA PRADESH AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE DINESH KUMAR PALIWAL

ON THE 11th OF JANUARY, 2024

MISC. CRIMINAL CASE No. 48921 of 2023

BETWEEN:-

KUMAR ABHISHEK @ VIKKY KUMAR PASWAN S/O SHRI MANNU PASWAN, AGED ABOUT 25 YEARS, OCCUPATION: SERVICE R/O BAADI KEBAI POST DANIYAWAN P.S.SHAHJAHANPUR DISTT. PATNA (BIHAR)

.....APPLICANT

(BY SMT. SUMITRA TIWARI -ADVOCATE)

AND

THE STATE OF MADHYA PRADESH THROUGH POLICE STATION KOTWALI (MADHYA PRADESH)

.....RESPONDENTS

(BY SHRI MANOJ KUSHWAHA - 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 Cr.P.C. for grant of regular bail relating to Crime No.849/2022 registered at P.S.-Kotwali, District-Mandla (M.P.) for the offence punishable under Sections 419, 420, 467, 468, 471, 470 and 120-B, 34 of IPC. Applicant is in detention since 25.12.2022.

2. Applicant's first bail application was dismissed as withdrawn and not pressed vide order dated 04.08.2023, passed in M.Cr.C.No.9771/2023.

3. As per the prosecution case, present applicant applied for the post of

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Gramin Dak Sevak for Mandla Postal Division. He was recruited as an employee in the department. When educational qualification certificates filed by him were sent for verification, they were reported to be forged, fake and counterfeit. FIR was registered.

4. Learned counsel for the applicant has submitted that applicant has not committed any offence. He is innocent. He has been falsely implicated. He is in jail for last one year and only two witnesses have been examined so far. He was not aware of the fact that the mark sheet is forged and fake. Trial of the case will take considerable time. He has no criminal background. Therefore, it is prayed that the applicant may be released on bail pending the trial.

5. On the other hand, learned counsel for the State has opposed the prayer for grant of bail to the applicant.

6. As per status report received from the trial Court, only two witnesses out of seven witnesses have been examined so far. Applicant is in jail for last more than one year. Trial of the case will take considerable time. Therefore, having taken into consideration the detention period of the applicant and all other facts and circumstances the case, but without expressing anything on the merits of the case, I am of the view that it is a case in which further pre-trial detention of the applicant is not warranted. Consequently, this bail application under Section 439 of the Code of Criminal Procedure for grant of bail filed on behalf of applicant, stands **allowed.**

7. It is directed that **applicant - Kumar Abhishek @ Vikky Kumar Paswan** be released on bail on his furnishing a personal bond in the sum of **Rs.1,00,000/- (Rupees One Lac only)** with two local sureties of **Rs.50,000/- (Rupees Fifty Thousand)** each to the satisfaction of the trial Court, for his regular appearance before the trial Court during trial with a condition that he

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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.

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

Certified copy as per rules.

(DINESH KUMAR PALIWAL)
JUDGE

Jasleen

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