

THE HIGH COURT OF MADHYA PRADESH**M.Cr.C. No. 42231/2018***(Jadiya @ Sahil Vs. The State of M.P.)***Gwalior, Dated 15/11/2018**

Shri Sushil Goswami, Advocate for the petitioner.

Shri Kamal Jain, Public Prosecutor for the respondent/State.

Case diary is perused.

Learned counsel for the rival parties are heard.

This is 1st bail application u/S. 439 of the Cr.P.C. filed by the petitioner for grant of bail.

Petitioner has been arrested on 5/6/18 by Police Station Bahadurpur District Ashoknagar in connection with Crime No. 171/18 registered in relation to the offences punishable u/Ss. 399, 400, 402 of IPC and section 25-B, 25/27 of Arms Act.

Learned Public Prosecutor for the State opposed the application and prayed for its rejection by contending that on the basis of the allegations and the material available on record, no case for grant of bail is made out.

The offence of assembling and preparing for dacoity is alleged against the petitioner. Dagger (कटार) was recovered from the co-accused whereas a sword was recovered from the petitioner. Petitioner has three cases of theft constituting criminal antecedent. Investigation in the matter is over.

Considering the above facts and that the early conclusion of the trial is bleak possibility and prolonged pre-trial is anathema to the concept of liberty and the material placed on

record does not disclose possibility of the petitioner fleeing from justice, this court is though inclined to extend the benefit of bail to the petitioner but with certain stringent conditions in view of criminal antecedent of the petitioner.

Accordingly, without expressing any opinion on merits of the case, this application is allowed and it is directed that the petitioner be released on bail on furnishing a personal bond in the sum of **Rs. 1,00,000/- (Rs. One Lac only) with two solvent sureties of Rs. 50,000/- (Rs. Fifty Thousand) each** to the satisfaction of the concerned Trial Court.

This order will remain operative subject to compliance of the following conditions :-

1. The petitioner will comply with all the terms and conditions of the bond executed by him;
2. The petitioner will cooperate in the investigation/trial, as the case may be;
3. The petitioner will not indulge himself in extending inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to the Police Officer, as the case may be;
4. The petitioner shall not commit an offence similar to the offence of which he is accused;
5. The petitioner will not seek unnecessary adjournments during the trial; and
6. The petitioner will not leave India without previous

permission of the trial Court/Investigating Officer, as the case may be.

7. In view of criminal antecedents, the petitioner will mark his attendance before the concerned Trial Court twice every week.

A copy of this order be sent to the Court concerned for compliance.

C.c. as per rules.

(Sheel Nagu)
Judge