

**HIGH COURT OF MADHYA PRADESH
MCRC No.42905/2018
(Rakesh Kushwah Vs The State of M.P.)**

Gwalior, Dated : 12.11.2018

Shri V.K.Saxena, learned Senior Counsel with Shri Aditya Singh, counsel for the applicant.

Shri Pramod Pachauri, learned Public Prosecutor for the respondent/State.

With consent heard finally.

The applicant has filed this second repeat application u/S. 439, Cr.P.C. for grant of bail after rejection of earlier one which was dismissed as withdrawn by order dated 19.09.2018 passed in M.Cr.C.No. 37011/2018 with liberty to repeat after filing of the charge sheet before the competent authority. The applicant has been arrested by Police Station Crime Branch, District Gwalior in connection with Crime No.76/2018 registered in relation to the offence punishable u/S. 34 (2) of the Excise Act.

Learned counsel for the applicant submits that the applicant has been falsely implicated in the matter. As per prosecution, liquor alleged to have been seized from the possession of the applicant. Charge sheet has been filed. The applicant has no criminal antecedents. The case is triable by the trial Court. The applicant is in custody since 22.08.2018 and trial would take considerable time to conclude, therefore, the applicant may be released on bail.

Learned Public Prosecutor for the respondent/State opposed the prayer and prayed for dismissal of the application.

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

Considering the submissions advanced by the counsel for the applicant and on perusal of the case diary, without expressing any opinion on the merits of the case, this Court deems it appropriate to allow this application in the following terms.

It is hereby directed that the applicant shall be released on bail on his furnishing a personal bond 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.

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

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

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

Certified copy as per rules.

**(Anand Pathak)
Judge**