

THE HIGH COURT OF MADHYA PRADESH
Mcr.43738/18
(Ajay Mahore Vs. State of M.P.)

Gwalior Dt. 15/11/18

Shri Rajiv Sharma, Advocate for the petitioner.

Shri Yogesh Parashar, Public Prosecutor for the State.

Case Diary is perused.

Learned counsel for the rival parties are heard.

The petitioner has filed this 2nd repeat application u/S. 439 Cr.P.C. for grant of bail after rejection of earlier one on merits and as well as due to inconclusive investigation by order dated 6/10/2018 in Mcrc.No.39120/18.

The petitioner has been arrested on 27/8/2018 by Police Station Morar, District Gwalior, (M.P.) in connection with Crime No. 66/2013, registered in relation to the offences punishable u/Ss. 147, 148, 149, 307, 302, 120-B IPC and Sec. 25/27 of the 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 petitioner is alleged with murder with the aid of Sec. 120-B IPC as he was not present at the scene of crime but has been implicated based on the confessional statement u/S. 27 of the Evidence Act of co-accused Ajeet.

The case-diary does not disclose presence of criminal antecedents.

Charge-sheet has since been filed on 19/10/2018 qua the petitioner and therefore custodial interrogation may not be required.

Considering the above said 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 though is inclined to extend the benefit of bail to the petitioner but with certain stringent condition due to nature of offence.

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 each of Rs. 50,000/-** 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. The petitioner shall mark his presence before the trial court concerned once every fortnight till conclusion of trial.

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

C.c. as per rules.

(Bu)

**(Sheel Nagu)
Judge**