

THE HIGH COURT OF MADHYA PRADESH
Mcrc.44778/18
(Smt. Rama Rathore Vs. State of M.P.)

Gwalior Dt. 15/11/18

Shri B.Raj Pandey, 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 first application u/S. 439 Cr.P.C. for grant of bail.

The petitioner has been arrested on 18/10/2018 by Police Station Civil Lines, District Vidisha (M.P.) in connection with Crime No. 777/18, registered in relation to the offence punishable u/S. 34(2) of the M.P. Excise 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.

Investigation appears to be complete though charge-sheet is yet to be filed as per counsel for the State.

The petitioner is a woman aged 50 years from whom 100 Bulk litres of country-made liquor was recovered.

State counsel informs that the petitioner has offences of similar nature registered in this very year.

However, considering the fact that further custodial interrogation is not required and the petitioner is a lady aged 50 years coupled with fact that 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 in view of criminal antecedents.

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 her;
2. The petitioner will cooperate in the investigation/trial, as the case may be;
3. The petitioner will not indulge herself 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 she 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 her 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