

**THE HIGH COURT OF MADHYA PRADESH**  
**M.Cr.C. No.45938/2018**  
**(Mukesh Kushwah Vs. State of M.P.)**

**Gwalior, dated : 16/11/2018**

Shri Sushant Tiwari, learned counsel for the applicant.

Shri R.V.S. Ghuraiya, learned Public Prosecutor for the respondent-state.

This is the first bail application under Section 439 of Cr.P.C. filed on behalf of the applicant. The applicant is in custody since 31/12/2015 in connection with Crime No.413/2015 registered at Police Station Kotwali, District-Datia for the offence punishable under Sections 302, 34 of IPC and Section 25/27 of Arms Act.

It is the submission of counsel for the applicant that the instant case is of bail jump. Trial Court has granted bail under Section 439 of Cr.P.C. to applicant and he was enjoying freedom since then. On 11/09/2017, he could not appear before the trial Court because he was suffering from mental disorder and taking treatment for the said disease. Learned counsel placed certain documents of the applicant including the prescription papers of Mental Hospital, Gwalior to submit that the applicant was taking treatment. He submits that he has no criminal history. Confinement amounts to pre trial detention. He undertakes to cooperate in the trial. He prayed for grant of bail.

Learned Public Prosecutor for the State on the basis of case diary opposed the bail application and prayed for its dismissal.

Heard the counsel for parties and perused the case diary.

Considering the submissions made by learned counsel for the parties as well as the fact that confinement would amount to pretrial detention, but without expressing any opinion on merits of the case, the application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicant-Mukesh Kushwaha be released on bail on furnishing a personal bond in the sum of **Rs.50,000/- (Rs. Fifty Thousand Only)** with a solvent surety in the

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like amount to the satisfaction of the trial Court for his regular appearance before the trial Court on the condition that he shall remain present before the Court concerned during the trial.

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 acquainted 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 will not commit an offence similar to the offence of which he is accused;
5. The applicant will not seek unnecessary adjournments during the trial; and
6. The applicant will not leave India without previous permission of the trial Court/Investigating Officer, as the case may be.

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

Certified copy as per rules.

**(Anand Pathak)**  
**Judge**