

THE HIGH COURT OF MADHYA PRADESH
Mcrc.46607/18
(Dilip @ Kadori Vs. State of M.P.)

Gwalior Dt. 6/12/18

Shri Sushil Goswami, Advocate for the petitioner.

Shri D.S.Tomar, Public Prosecutor for the State.

Case Diary is perused.

Learned counsel for the rival parties are heard.

The petitioner has filed this second repeat application u/S. 439 of Cr.P.C. for grant of bail after rejection of earlier one on merits by order dated 26/9/2018 in Mcrc.No.34656/18.

The petitioner has been arrested on 30/11/2017 by Police Station Dursada, District Datia, (M.P.) in connection with Crime No. 96/2015, registered in relation to the offence punishable u/Ss.302, 147, 148, 149, 341, 294 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.

New ground raised is that all nine principal PWs have been examined. The last one was examined in October, 2018. Similarly placed co-accused Suresh, Rajaram Yadav and Dharma Singh Yadav have since been enlarged on bail by order dated 13/11/2018 in Mcrc.No.43589/18, order dated 2/11/2018 in Mcrc.No.43290/18 and order dated 2/11/2018 in Mcrc.No.42772/18, respectively. The petitioner has suffered incarceration for more than one year.

As regards antecedents, counsel for the petitioner has filed judgments in which the petitioner has been acquitted in some of the offences.

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 the nature of the 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 by the petitioner :-

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**