

THE HIGH COURT OF MADHYA PRADESH**M.Cr.C. No. 47142/18***(Kamlesh Singh Vs. State of M.P.)***Gwalior, Dated 13/12/18**

Shri Madhukar Kulshreshta, Advocate for the petitioner.

Shri Yogesh Parashar, Public Prosecutor for the State.

Case-diary is perused.

Learned counsel for the rival parties are heard.

This is 1st bail application u/S. 439 of Cr.P.C. filed by the petitioner for grant of bail.

Petitioner has been arrested on 26/10/18 by Police Station Station Road District Morena (M.P.) in connection with Crime No. 348/18 registered in relation to the offences punishable u/S. 34(2) of the 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.

It is submitted by learned counsel for the petitioner that 90 litres of illicit liquor has been recovered from the petitioner.

State counsel informs that though investigation is over but charge-sheet is yet to be filed. It is further informed that petitioner has two more offences of similar nature constituting criminal antecedents.

Considering the said facts and that the prosecution story discloses alleged offence u/S. 34 (2) of Excise Act which prescribes for maximum punishment of three years and looking to the fact that early conclusion of the trial is a bleak possibility and prolonged pre-trial detention being an anathema to the concept of liberty and the material placed on record does not disclose the possibility of the petitioner fleeing from justice, this Court is though inclined to extend benefit of bail to the petitioner but with certain stringent conditions in view of criminal antecedents of petitioner.

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. 50,000/- (Rs. Fifty Thousand only) with two solvent sureties each of Rs. 25,000/-** 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 attendance before the concerned trial Court once every fortnight.

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

C.c. as per rules.

(Sheel Nagu)
Judge