

THE HIGH COURT OF MADHYA PRADESH
Mcr.48469/18
(Kadam Singh Vs. State of M.P.)

Gwalior Dt. 6/12/18

Shri K.K.Dubey, 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 first application u/S. 439 of Cr.P.C. for grant of bail.

The petitioner has been arrested on 13/11/2018 by Police Station Girwai, District Gwalior (M.P.) in connection with Crime No. 214/18, registered in relation to the offence punishable u/Ss.454, 380 and 427 IPC.

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.

Petitioner is in custody in respect of the aforesaid offences where he is alleged with theft in dwelling house. Recovery of hammer, Sabbal and pipe is made against him. Since investigation is over, further custodial interrogation may not be necessary.

As regards criminal antecedents, they are relating to minor offences.

Considering the above facts and the fact that trial is not likely to conclude in the near future and prolonged pre-trial detention being an anathema to the concept of liberty, this court is inclined to extend the benefit of bail to the 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 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.

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

C.c. as per rules.

(Bu)

**(Sheel Nagu)
Judge**