

THE HIGH COURT OF MADHYA PRADESH
M.Cr.C. No.50099/2018
(Netrapal Singh and another Vs. State of M.P.)

Gwalior, dated : 14.12.2018.

Shri Anant Kumar Bansal, learned counsel for the applicants.

Shri Sangam Jain, learned Public Prosecutor for the respondent-State.

Heard the counsel for the parties and case diary perused.

The applicants have filed this first bail application u/S.438, Cr.P.C. for grant of anticipatory bail apprehending their arrest in connection with Crime No.165/2018, registered by police station Mau, District Bhind, in relation to the offences punishable under Sections 452, 323, 294, 506 and 34 of IPC.

It is the submission of learned counsel for the applicants that except Section 452 of IPC all other offences are bailable. The police has tried just to show the gravity of the offence. Applicants are in army and they were subject to harass because of the fact that one of their brother has entered into a contract with the brother of complainant for purchase of land belonging to the brother of complainant whereas complainant had eye converting land resulted into registration of offence on false pretext. Being army personnel confinement would bring professional inconvenience to them and prejudice beside social disrepute. He undertakes to cooperate in the investigation/trial and he also undertakes to make themselves available as and when required investigating officer.

Learned PP for the State opposes the bail application and prayed for its rejection.

There is no criminal antecedents of the applicants and the material placed on record does not disclose possibility of the applicants fleeing from justice, this Court is though inclined to extend the benefit of bail to the applicants but with certain stringent conditions in view of pendency of investigation.

Accordingly, without expressing opinion on merits of the

THE HIGH COURT OF MADHYA PRADESH
M.Cr.C. No.50099/2018
(Netrapal Singh and another Vs. State of M.P.)

case, I deem it appropriate to allow this application u/S 438 Cr.P.C in the following terms.

It is hereby directed that in the event of arrest, the applicants shall be released on bail on furnishing a personal bond of **Rs.50,000/-(Rupees Fifty Thousand only) each** with one solvent surety of the like amount to the satisfaction of Arresting Authority.

This order will remain operative subject to compliance of the following conditions by the applicant :-

1. The applicants will comply with all the terms and conditions of the bond executed by him;
2. The applicants will cooperate in the investigation/trial, as the case may be;
3. The applicants 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 applicants shall not commit an offence similar to the offence of which they are accused;
5. The applicants will not seek unnecessary adjournments during the trial; and
6. The applicants 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.

(Anand Pathak)
Judge