

THE HIGH COURT OF MADHYA PRADESH
MCRC.1881.2019.
(Banti Vs. State of M.P.)

GWALIOR; dated 11.02.2019.

None for the applicant.

Shri Sanjeev Kumar Mishra, learned Public Prosecutor for the respondent/State.

Heard the counsel for the parties and case diary perused.

The applicant has filed this application under Section 439 of Cr.P.C for grant of bail, who has been arrested and is in custody since 20.8.2018, in connection with Crime No.42 of 2017, registered at Police Station Civil Line Morena district Morena, for the offence punishable under Sections 457 and 380 of the IPC.

As per pleadings raised in the application, it appears that the applicant is facing trial for alleged offence under Sections 457 and 380 of the IPC. Charge sheet has already been filed and confinement since 20.8.2018 amounts to pre-trial detention. The applicant has been clamped with the case on the basis of memorandum under Section 27 of the Evidence Act. He is permanent resident of Morena and undertakes to accept all terms and conditions as imposed by this court.

Learned Public Prosecutor for the State on the basis of case diary opposed the prayer made by the applicant and prayed for dismissal of this application.

Considering the fact that the applicant is in confinement since 20.8.2017 and trial shall take time to conclude and the fact that only on the basis of memorandum under Section 27 of the Evidence Act, he has been fastened with the liability of this offence, but without expressing any opinion on merits of the case, this application is allowed and it is directed that the applicant be released on bail on furnishing a personal bond in the sum of **Rs.50,000/- (Rs. Fifty thousand only)** with one solvent surety in the like amount to the satisfaction of the concerned trial Court.

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

THE HIGH COURT OF MADHYA PRADESH
MCRC.1881.2019.
(Banti Vs. State of M.P.)

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/her from disclosing such facts to the Court or to the Police Officer, as the case may be;
4. The applicant shall not commit an offence similar to the offence of which he is accused;
5. The applicant will not seek unnecessary adjournments during the trial;
6. The applicant will not leave India without previous permission of the trial Court/Investigating Officer, as the case may be; and
7. **The applicant shall appear on every Monday for cooperation in the investigation before Investigating Officer of police station Civil Line, Morena between 10 AM to 12 Noon till conclusion of trial and would report his whereabouts always to the concerned police officer. However, any default in appearance shall dis-entitle him to avail the instant benefit.**

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

C.C. as per rules.

(Anand Pathak)
Judge