

THE HIGH COURT OF MADHYA PRADESH

M.Cr.C.No.51524/2019 (Smt. Pooja Rao Vs. State of M.P.)

Gwalior, Dated:-11.12.2019

Shri Ankur Tiwari, learned counsel for the applicant.

Shri Vijay Sundaram, learned Public Prosecutor for the respondent/State.

Case Diary is perused.

Learned counsel for the rival parties are heard.

The applicant has filed this third application under section 439 of the Cr.P.C. for grant of bail. First application was dismissed as withdrawn vide order dated 20.8.2019 passed in M.Cr.C.No.33443/2019. Second Application was allowed vide order dated 11.11.2019 passed in M.Cr.C.No.39193/2019, but thereafter the offence under sections 11/13 of M.P.D.V.P.K. Act was enhanced, therefore, applicant could not be released on bail.

The applicant has been arrested by Police Station Noorabad, District Morena (M.P.) in connection with Crime No.133/2019 registered in relation to the offence punishable under section 379 of IPC read with sections 11/13 of M.P.D.V.P.K. Act.

The allegation against the applicant, in short, is of snatching of one chain worth Rs.1500/- from the neck of complainant. On the aforesaid basis, crime has been registered.

Learned counsel for the applicant submits that the applicant has been falsely implicated. She is in custody since 16.7.2019. Charge-

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sheet has been filed. Learned counsel for the applicant further submits that the complainant has turned hostile and has not supported the prosecution case. No further custodial interrogation is required. Conclusion of trial is likely to take time and there is no likelihood of her absconsion if released on bail. With the aforesaid submissions, prayer for grant of bail is made.

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.

After hearing aforesaid arguments and looking to the facts and circumstances of the case, without expressing any opinion on merits of the case, this application is allowed but with stringent condition and it is directed that the applicant be released on bail on furnishing a personal bond in the sum of **Rs.1,00,000/- (Rupees One Lakh only)** with two solvent sureties to the satisfaction of the concerned trial Court/Committal Court for her appearance during trial on the dates fixed by the concerned Court.

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

1. The applicant will comply with all the terms and conditions of the bond executed by her ;

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2. The applicant will cooperate in the investigation/trial, as the case may be;
3. The applicant will not indulge herself 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 she is accused;
5. The applicant will not seek unnecessary adjournments during the trial; and
6. The applicant will not leave India without previous permission of the trial Court/Investigating Officer, as the case may be.
7. The applicant shall appear before the trial Court on first of every month during pendency of the trial.

It is made clear that in case of bail jump, this order shall automatically stand cancelled.

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

Certified copy as per rules.

(S.A. Dharmadhikari)
Judge

Pawar/-