

HIGH COURT OF MADHYA PRADESH
M.Cr.C. No.5954/2019
(Dharmveer Singh Tomar Vs. State of M.P.)

Gwalior Bench:

Dated: 11/02/2019

Shri V.P.S. Tomar, learned counsel for the applicant.

Shri Rajkumar Mishra, learned Public Prosecutor for the respondent-State.

This is first application under Section 439 of Cr.P.C. filed on behalf of the applicant who is in confinement since 23/01/2019 in connection with Crime No.47/2019 registered at Police Station Ambah, District Morena for the offence punishable under Sections 34 (2) of M.P. Excise Act.

Learned counsel for the applicant submits that the applicant has been falsely implicated in the matter. As per prosecution case, above 50 bulk liters of country made liquor alleged to have been seized from the possession of the applicant. Applicant is in custody since 23/01/2019 and has no criminal antecedents. He undertakes to cooperate in the trial as well as in the investigation as and when required, therefore, he prayed for grant of bail.

Learned Public Prosecutor for the respondent-State opposed the prayer and prayed for dismissal of the application.

Heard the learned counsel for the parties and perused the case diary.

Considering the submissions advanced, looking to the facts and circumstances of the case, but without commenting on the merits of the case, the application is allowed. It is directed that the applicant-Dharmveer Singh Tomar shall be released on bail on his furnishing a personal bond in the sum of **Rs.1,00,000/- (Rupees One Lac Only)**

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with two solvent sureties each of 50,000/- of the like amount, to the satisfaction of Trial Court concerned. 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 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 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; and

6. The applicant 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.

Certified copy as per rules.

(Anand Pathak)
Judge