

THE HIGH COURT OF MADHYA PRADESH**M.Cr.C. No. 11520/2020***(Kalyan Vs. State of M.P.)*

Gwalior, Dated:-20/03/2020

Shri Yagya Dutt Shukla, learned counsel for the applicant.

Shri Vikrant Sharma, learned Public Prosecutor for the respondent/State.

Case diary is perused.

This is first application under Section 439 of Cr.PC for grant of bail.

The applicant has been arrested on 03/03/2020 in connection with Crime No.08/2020 registered at Police Station Hastinapur, District Gwalior (M.P.) for offence under Section 379 of IPC.

It is submitted by learned counsel for the applicant that the applicant has been falsely implicated in the case and he is innocent and has not committed any offence. The applicant is in custody since 03/03/2020. It is further submitted that nothing has been seized from the possession of the applicant. It is also submitted that the applicant is an old age farmer and is only earning member in his family. It is further submitted that there is no criminal antecedents of the present applicant. It is further submitted that the applicant is ready and willing to abide by any condition which may be imposed by this Court. Hence, prayed for grant of bail to the applicant.

Per contra, learned State counsel has opposed the same and submitted that there is one criminal antecedent of the applicant.

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Hence, prayed for rejection of the application.

Considering the submissions made by learned counsel for the parties and the facts and circumstances of the case, this Court is inclined to extend the benefit of bail to the applicant.

Accordingly, without expressing any opinion on merits of the case, this application is allowed and it is directed that the applicant namely **Kalyan** be released on bail on furnishing a personal bond in the sum of **Rs.50,000/-** (Rupees Fifty Thousand only) with one solvent surety in the like amount to the satisfaction of the concerned trial Court/Committal Court for his 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 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

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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 mark his presence before the concerned police station every fortnight till the trial is completed. On failure, this order shall automatically stand inoperative.

A copy of this order be sent to the Court concerned for compliance as well as copy of the order be given to the learned Public Prosecutor with a direction to keep the same in the concerned case diary.

C.c. as per rules.

(Rajeev Kumar Shrivastava)
Judge

*Shubhankar**