

THE HIGH COURT OF MADHYA PRADESHMCRC-12156-2020

[Rakesh Sharma vs. State of M.P.]

Gwalior, Dated 20/3/2020

Shri S.K. Yadav, learned counsel for the applicant.

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

Case diary is available.

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

The applicant has been arrested on 20/02/2020 in connection with Crime No.17/2020 registered at Police Station Ghatigaon, District Gwalior for offence punishable under Sections 34(2) of M.P. Excise Act.

Allegation against the applicant in short is that the applicant is found selling found illicit liquor and 60 liters of country-made liquor has been recovered from his possession.

It is submitted by learned counsel for the applicant that the applicant has been falsely implicated in the present case. The applicant is in jail since 20/02/2020. There is no possibility of his absconding or tampering with the evidence, if he is released on bail. The applicant is ready to abide by all the terms and conditions as may be imposed by this Court. Under these circumstances, he prays

for grant of bail to the applicant.

Per contra, learned Public Prosecutor/Panel Lawyer 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 .

Considering the pretrial detention, the facts and circumstances of the case and without commenting on merits of the case, the application is allowed. It is directed that the applicant be released on bail on his furnishing a personal bond in the sum of **Rs.50,000/- (Rs. Fifty Thousand Only)** with one surety in the like amount to the satisfaction of the trial Court/Committal Court to appear before the Court on the dates given 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 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 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.

Certified copy as per rules.

(Rajeev Kumar Shrivastava)
Judge

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