

The High Court of Madhya Pradesh**M.Cr.C. No.14736/2020****(Pooran Singh Yadav Vs. State of M.P.)****Gwalior dated 31.07.2020**

Shri Susheel Goswami, learned counsel for the petitioner.

Shri Vijay Sundaram, learned Panel Lawyer, for the respondent/State.

Learned counsel for the rival parties are heard through video conferencing.

The petitioner has filed this fourth repeat application u/S.439 Cr.P.C. for grant of bail after rejection of earlier one on 16.09.2019 in Mercr.38056.2019 with liberty to come again after examination of prosecution witness Rajendra.

The petitioner has been arrested on 28.08.2017 by Police Station-Seondha, District Datia (M.P.), in connection with Crime No.162/2010 registered in relation to the offences punishable u/Ss.302, 307, 395, 396, 459, 147, 148, 149 IPC and Sec. 11/13 of MPDVPK Act.

Learned counsel for 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. It is further submitted by learned counsel for the State that petitioner has 10 offences of grievous nature constituting criminal antecedents.

Murder is alleged against the petitioner who is in custody since 28.08.2017. Petitioner's earlier application for grant of bail was rejected vide order dated 16.09.2019 in Mccr.38056.2019 with liberty to come again after examination of prosecution witness Rajendra.

Present is a case of double murder. Admittedly, the said prosecution witness-Rajendra has been examined *qua* the petitioner on 08.01.2019 but looking to the gravity of offence which is of double murder coupled with the fact that the petitioner has misused the liberty twice, this Court for the time being dismisses the present petition with liberty to revisit this Court with documentary proof that the petitioner has been acquitted of in all the offences constituting criminal antecedents.

Consequently, petition stands dismissed with the abovesaid liberty.

(Sheel Nagu)
Judge