

THE HIGH COURT OF MADHYA PRADESH
Mcr.44262.2020
(Ashish Rathore Vs. State of M.P.)

Gwalior Dt. 20.11.2020

Shri Sushil Goswami, learned counsel for the petitioner.

Shri Rinkesh Goyal, learned Panel Lawyer for the State.

Shri A.K. Pateriya, learned counsel for the complainant.

Case diary is perused.

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

The petitioner has filed this 14th repeat application u/S. 439 of Cr.P.C. for grant of bail after dismissal of earlier one on merits.

The petitioner has been arrested on 15.02.2016 by Police Station- Gole Ka Mandir, District Gwalior (M.P.), in connection with Crime No.95/2016 registered in relation to the offences punishable u/S.147, 148, 307, 397, 302 and 149 of IPC and 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.

The main ground which according to the learned counsel for the petitioner is the new circumstance is prolonging of period of

custody. Petitioner is in custody since last more than four and a half years.

Considering the fact that physical hearing of trial is likely to commence in the near future, it would be appropriate to afford further opportunity to the prosecution to produce and get the witnesses examined.

In view of above, for the time being no case for grant of bail is made out.

Accordingly, this bail application stands dismissed with liberty to come again in case trial gets further delayed.

(Sheel Nagu)
Judge

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