

The High Court Of Madhya Pradesh
MCRC-10077-2021

(KHANAIYA JATAV Vs THE STATE OF MADHYA PRADESH)

Gwalior, Dated:-22/02/2021

Shri Prasun Maheshwari, learned counsel for the applicant.

Shri Sangam Jain, learned Public Prosecutor for the respondent/State.

I.A. No.5426/2021, an application for urgent hearing is taken up, considered and allowed for the reasons mentioned therein.

The applicant has filed this first bail application u/S.439 Cr.P.C for grant of bail.

Applicant has been arrested on 21/01/2021 by Police Station-Sirsouda, Distt. Shivpuri (M.P.) in connection with Crime No.07/2021 registered for offence under Section 34(2) of Excise Act.

It is submitted by learned counsel for the applicant—**Kanhaiya Jatav** that the applicant has been falsely implicated in this case. The applicant is in custody since 21/01/2021. As per prosecution story, 60 bulk liters liquor has been seized from the possession of the present applicant. Trial will take its own time. Applicant is ready to abide by any condition which may be imposed by this Court. Hence, prayed for grant of bail to the applicant.

Per contra, State Counsel has vehemently opposed the bail application and has submitted that 60 bulk liters liquor has been seized from the possession of the present applicant and there are three criminal cases including the present case are registered against the present applicant. Hence, he prayed for dismissal of this first bail

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application.

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

Considering the facts and circumstances of the present case, without commenting upon the merits of the case, the application is allowed and it is hereby directed that the applicant shall be released on bail on his furnishing personal bond of **Rs.50,000/- (Rupees Fifty Thousand only)** with one solvent surety of the like amount to the satisfaction of the Court concerned for his regular appearance before the Court concerned on the dates fixed by the 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 them 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. In case of repetition of offence, this bail order shall automatically stand cancelled;**
5. The applicant will not move in the vicinity of complainant party and applicant will not seek unnecessary adjournments during the trial;

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6. The applicant will not leave India without previous permission of the trial Court/Investigating Officer, as the case may be; and

7. The applicant will inform the SHO of concerned Police Station about his/her residential address in the said area and it would be the duty of the State Counsel to send **E-copy** of this order to SHO of concerned Police Station for information.

Looking to the repeated commission of offence under Sections 34(2), 49-A of Excise Act, prosecution is hereby specifically directed to make available the criminal antecedents of the applicant concerned positively along with case diary.

Application stands allowed and disposed of.

Certified copy as per rules.

(Rajeev Kumar Shrivastava)
Judge

Monika