

**THE HIGH COURT OF MADHYA PRADESH**  
**MCRC No. 57847/2021**  
**(PINKI @ PRATAP Vs STATE OF MADHYA PRADESH)**

**Gwalior, Dated : 03/12/2021**

Shri Anoop Shivhare, Counsel for applicant.

Shri Abhishek Sharma, Counsel for State.

Case diary is available.

This second application under Section 439 of Cr.P.C. has been filed for grant of bail. The first application was dismissed by the Coordinate Bench of this Court by order dated 17.11.2021 passed in M.Cr.C. 56131/2021 as withdrawn with liberty to repeat his prayer after filing of the charge-sheet. As the Hon'ble Judge has been transferred, therefore, this application has been placed before this Court.

The applicant has been arrested on 22.10.2021 in connection with Crime No.264/2021 registered by Police Station Narwar, District Shivpuri for offence punishable under Sections 294, 323, 327 of IPC.

It is submitted by Counsel for the applicant that according to the prosecution case, the applicant had demanded Rs.500/- for purchasing liquor and when it was not given, then the complainant was abused and beaten. It is further submitted that first bail application was withdrawn from the Court of the Coordinate Bench with liberty to revive the prayer after filing of the charge-sheet. The police after completing the investigation has filed the charge-sheet. In view of the criminal antecedents of the applicant, he is ready and

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willing to abide by any stringent condition which may be imposed by the Court. The trial is likely to take sufficiently long time and there is no possibility of his absconding or tampering with prosecution case.

*Per contra*, the application is vehemently opposed by Counsel for the State. It is submitted that according to the criminal antecedents, as many as four more criminal cases were registered against applicant. Furthermore, in two other cases, non-cognizable offence were found and on two occasions the preventive measure under Section 110 of Cr.P.C were taken against the applicant.

In view of period of detention and without commenting on the merits of the case, the application is **allowed**. It is directed that the applicant be released on bail on furnishing a personal bond in the sum of **Rs.1,00,000/- (Rupees One Lac 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.

It is further directed that the applicant shall appear before the **S.H.O. Police Station Narwar, District Shivpuri on 1st of every month** during the pendency of the Trial. In case of bail jump or non-appearance of the applicant before the police station as directed by this Court, this order shall lose its effect.

In the light of the judgment passed by the Supreme Court in the case of **Aparna Bhat & Ors. vs. State of M.P. passed on 18/3/2021**

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**in Criminal Appeal No.329/2021**, the intimation regarding grant of  
bail be sent to the complainant.

Certified copy as per rules.

**(G.S. Ahluwalia)**  
**Judge**

Aman