

The High Court Of Madhya Pradesh
MCRC-7158-2021

(YOGESH @ LALLU Vs THE STATE OF MADHYA PRADESH)

Gwalior, Dated:-22/02/2021

Shri K.L. Gupta, learned counsel for the applicant.

Shri Nitin Goyal, learned Panel Lawyer for the respondent/State.

I.A. No.3876/2021, 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 05/11/2020 by Police Station-Mihona, District Bhind (M.P.) in connection with Crime No.38/2004 registered for offence under Sections 327, 323, 294, 34, 329 of I.P.C.

It is submitted by learned counsel for the applicant—**Yogesh @ Lallu** that the applicant has falsely been implicated in this case. The applicant is in custody since 12/08/2020 and charge-sheet has been filed against him on 29/05/2004 declaring abscond, thereafter, the applicant had surrendered before the trial Court on 12/08/2020, therefore, there is no progress in trial. Trial will take its own time. The present applicant is not the main accused of this case. There is no criminal antecedents against the present applicant for last 16 years. 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 the case is registered under

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Sections 327, 323, 294, 34, 329 of I.P.C. Hence, he prayed for dismissal of this first bail application.

Learned counsel for the applicant further submits that the other co-accused of this case has already been acquitted by the trial Court and there is no any possibility of conviction in the present matter and the present applicant is not the main accused.

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

Considering the facts and circumstances of the present case and looking to the custody period of the present applicant, 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.75,000/- (Rupees Seventy Five 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

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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;

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.

8. The applicant shall mark his presence before the SHO of the concerned Police Station once in every week till conclusion of the trial. The concerned SHO is directed to submit attendance report of the applicant before the Magistrate concerned and a copy to Principal Registrar of this Court once in every month. The Magistrate concerned is hereby directed that if attendance report of the applicant has not been submitted by the SHO concerned, then this fact be brought into the knowledge of Principal Registrar of this Court.

Application stands allowed and disposed of.

Certified copy as per rules.

(Rajeev Kumar Shrivastava)
Judge