

HIGH COURT OF MADHYA PRADESH

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M.Cr.C.No.9637/2021

(Bhura Vs. State of M.P.)

Gwalior Bench: Dated 22/2/2021

Shri Brijesh Tyagi, learned counsel for the applicant.

Shri Purushottam Tanwar, learned PL for the respondent/State.

With consent, matter is heard finally.

The applicant has filed this Second bail application u/S.439 Cr.P.C for grant of bail. Applicant has been arrested on 2.12.2020 by Police Station, Sihoniya, District Morena, in connection with Crime No.141/2020 for the offence punishable under Sections 323, 324, 325, 326, 294, 506, 34 of IPC.. First application has been dismissed as withdrawn.

It is the submission of learned counsel for the applicant that he is suffering confinement since 2.12.2020 and charge-sheet has already been filed. Only allegation against the applicant is of inflicting Lathi blow to Govind and thereafter blow of sickle to another complainant, but it indicates an improbable event. No grievous injury has been sustained by the victims. Cross-case has been registered against the complainant party also. Applicant does not bear any criminal record. Confinement amounts to pretrial detention. He undertakes to cooperate in trial. On these premises, he prayed for bail.

Learned counsel for the State opposed the prayer and

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prayed for dismissal of the application.

Heard learned counsel for the parties at length and considered the arguments advanced by them.

Considering the submissions advanced by learned counsel for the applicant and the fact situation of the case, but without expressing any opinion on the merits of the case, this application is allowed. 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)** along with one solvent surety in the like amount to the satisfaction of trial Court.

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 ;

5. Applicant will not seek unnecessary adjournments during 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.

Application stands allowed and disposed of.

Copy of this order be sent to the trial Court concerned for compliance.

Certified copy as per rules.

(Anand Pathak)
Judge

ms/-