

The High Court Of Madhya Pradesh
MCRC-9794-2021

(GAUTAM TOMAR Vs THE STATE OF MADHYA PRADESH)

Gwalior, Dated:-22/02/2021

Shri R.K. Pathak, learned counsel for the applicant.

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

I.A. No.5291/2021, an application for urgent hearing is taken up, considered and allowed for the reasons mentioned therein.

The applicant has filed this second bail application u/S.439 Cr.P.C for grant of bail. Earlier bail was dismissed as withdrawn by this Court vide order dated 11/01/2021 passed in M.Cr.C.No. 53779/2020.

Applicant has been arrested on 14/12/2020 by Police Station- Purani Chhawani, Distt. Gwalior (M.P.) in connection with Crime No.463/2020 registered for offence under Sections 323, 294, 324, 506 of I.P.C. and added section 365 of I.P.C.

It is submitted by learned counsel for the applicant–**Gautam Tomar** that the applicant is in custody since 14/12/2020. Initially the case was registered under Sections 323, 294, 324, 506 of I.P.C. and thereafter section 365 of I.P.C. has been enhanced. It is further submitted that injuries which are reflected in the MLC are simple in nature. Investigation is complete and charge-sheet has been filed. Trial will take its own time. It is also submitted that the co-accused Deepak @ Deepu Bhadauriya has already been granted on bail by this court vide order dated 16/02/2021 passed in M.Cr.C.No.6457/2021.

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Applicant is ready to abide by any condition which may be imposed by this Court. On the basis of parity, he prayed for grant of bail to the applicant.

Learned State counsel has vehemently opposed the application and has submitted that the present case is registered under Section 323, 294, 324, 506 of I.P.C. and added section 365 of I.P.C. and there are three criminal antecedents against the present applicant. Therefore, he prayed for rejection of the present bail application.

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

Considering the arguments advanced by the learned counsel for the applicant and on the ground of parity, 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 in the like amount to the satisfaction of the trial Court concerned for his regular appearance before the trial Court concerned on the dates fixed it.

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;

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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. 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;

7. The applicant will inform the SHO of concerned police station about his residential address in the said area and it would be the duty of the Public Prosecutor to send **E-copy** of this order to SHO of concerned police station for information.

Application stands allowed and disposed of.

E-copy of this order be sent to the trial Court concerned for compliance.

Certified copy/ e-copy as per rules/directions.

(Rajeev Kumar Shrivastava)
Judge