

THE HIGH COURT OF MADHYA PRADESH
MCRC No. 2430/2022
(SATISH SINGH @ SANTOSH Vs STATE OF MADHYA PRADESH)

Through Video Conferencing

Gwalior, Dated : 24/01/2022

Shri Rahul Bansal, Counsel for applicant.

Shri Avdhesh Parashar, Counsel for State.

Case diary is available.

This is fourth application filed under Section 439 of Cr.P.C. for grant of bail. The third bail application was dismissed by order dated 21.12.2021 passed in M.Cr.C. No.61735/2021 as withdrawn with liberty to file a fresh application with all necessary mandatory declarations.

The applicant has been arrested on 09.07.2020 in connection with Crime No.01/2020 registered at Police Station Gohad Chauraha, District Bhind for offence under Sections 304-B, 498-A, 34 of IPC and under Section 3/4 of Dowry Prohibition Act.

It is submitted by Counsel for the applicant that after rejection of previous bail application, all the material witnesses have been examined and they have not supported the prosecution case. 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 opposed by the Counsel for the respondent/State. It is submitted that it is true that prosecution witnesses have not supported the prosecution case but it appears that

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either the witnesses had not given the correct information to the Police or they have not narrated the truth before the Court, and therefore, they are liable to be prosecuted.

Heard the learned counsel for the parties.

So far as the question of prosecution of witnesses is concerned, the same is left with the discretion of the Trial Court. However, it is directed that the Trial Court while deciding the trial shall address to the question as to whether the prosecution witnesses are required to be prosecuted or not.

Heard the learned counsel for the parties.

Considering the fact that prosecution witnesses have turned hostile 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.

This order shall remain effective till the end of the trial but in case of bail jump, it shall become ineffective.

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 in Criminal Appeal No.329/2021**, the intimation regarding grant of

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bail be sent to the complainant.

Certified copy as per rule.

(G.S. Ahluwalia)
Judge

Aman