

**IN THE HIGH COURT OF MADHYA PRADESH  
AT GWALIOR**

**BEFORE**

**HON'BLE SHRI JUSTICE GURPAL SINGH AHLUWALIA**

**ON THE 05<sup>th</sup> OF AUGUST, 2022**

**MISCELLANEOUS CRIMINAL CASE No. 38392 OF 2022**

**Between:-**

**PINKI @ PRAHALAD JAT S/O SHRI  
HUKUM SINGH JAT, AGED 47  
YEARS, R/O VILLAGE BHAGEH,  
TEHSIL DABRA, DISTRICT  
GWALIOR (MADHYA PRADESH)**

**.....APPLICANT**

***(BY SHRI SURESH AGRAWAL - ADVOCATE)***

**AND**

**STATE OF MADHYA PRADESH  
THROUGH POLICE STATION  
BAHODAPURA, DISTRICT  
GWALIOR (MADHYA PRADESH)**

**.....RESPONDENT**

***(BY SHRI PPS VAJEETA - PUBLIC PROSECUTOR)***

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*This application coming on for hearing this day, the Court passed  
the following:*

**ORDER**

Case Diary is available.

This sixth application under Section 439 of Cr.P.C. has been filed for grant of bail. Fifth application of the applicant was dismissed by order dated 07.07.2022 passed in M.Cr.C. No.31462/2022.

The applicant has been arrested on 24.04.2018 in connection with Crime No.132/2018 registered at Police Station Bahodapur District Gwalior for offence under Sections 302, 201/34 of IPC.

It is submitted by the counsel for the applicant that he has filed present application along with the complete order-sheets of the Trial Court to show that the matter is getting delayed for no good reasons and the applicant is in jail from 24.04.2018, i.e., more than 4 years. It is further submitted that by exercising the power under Section 319 of CrPC, the Trial Court has summoned additional accused and the Investigating Agency is unable to arrest any of them, which is evident from order dated 12.07.2022 passed by the Trial Court. It is further submitted that it is true that the allegations against the applicant are that he had killed the fellow jail inmate, but the witnesses have turned hostile. Since the additional accused has been summoned, therefore, the trial will start *denovo qua* the additional accused which will necessary take much more time.

Per contra, the application is vehemently opposed by the counsel for the State. It is submitted that the fellow jail inmate was killed by the applicant, however, fairly conceded that the police has failed to execute the arrest warrants issued against the additionally summoned accused namely Govind Singh, Dinesh Singh, Lalaram, Narayanswaroop, Vishambhar, Mohd. Zahir, Avadh Bihari.

In view of the fact that the applicant is in jail from the last more

than four years and there is a possibility of further delay in the trial, and without commenting on the merits of the case, the application for grant of bail 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)** 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 Bahodapur, District Gwalior 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 and others Vs. State of M.P.** Passed on **18.03.2021** 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**

Abhi