

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

**BEFORE**

**HON'BLE SHRI JUSTICE ANAND PATHAK**

**ON THE 2<sup>nd</sup> OF DECEMBER, 2022**

**MISC. CRIMINAL CASE NO. 50766 OF 2022**

**Between:-**

**GAURAV RAJPUT S/O SHRI  
SURESHCHANDRA RAJPUT, R/O 229  
BHAGWAN COLONY MAINPURI (UTTAR  
PRADESH)**

**.....APPLICANT**

***(BY DR. SHRI JITENDRA SINGH KUSHWAH - ADVOCATE)***

**AND**

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

**.....RESPONDENT**

***(BY SHRI ANIL SHUKLA – PUBLIC PROSECUTOR)***

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

**ORDER**

The applicant has filed this **first** bail application u/S.439 Cr.P.C for grant of bail. Applicant has been arrested on 29.07.2022 by Police Station Janakganj, District Gwalior (Madhya Pradesh) in connection with Crime No.674/2022 for the offence punishable under Section 8/21 of N.D.P.S. Act.

It is the submission of learned counsel for applicant that applicant is suffering confinement since 29.07.2022 and charge sheet has already been filed, therefore chance of tampering with the evidence/witnesses is remote. Only source of implication against the applicant is of memo of co-accused under Section 27 of the Evidence Act. It is further submitted that no contraband article has been seized from the possession of applicant. Other co-accused were in possession of contraband articles. Confinement amounts to pretrial detention. Applicant undertakes to cooperate in trial. Applicant is ready to abide by the terms and conditions imposed by this Court. Under these circumstances, his case may be considered for bail.

Learned Public Prosecutor for the respondent/State opposed the prayer on the basis of criminal records of applicant consisting of three cases which are of the same nature and applicant is resident of Mainpuri (Uttar Pradesh) and a chance of absconsion cannot be ruled out. However he fairly submits that applicant has been implicated on the basis of statement of co-accused. He prays for dismissal of the application.

Heard learned counsel for the parties and perused the documents appended thereto.

Considering the submissions advanced by the counsel for the applicant, this Court intends to allow the application. It is hereby directed

that the applicant shall be released on bail on his furnishing personal bond of **Rs.1,00,000/- (Rupees One Lac Only)** with **two solvent sureties in which one surety should be of local surety and one surety should be in cash** of 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 him 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 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 shall mark his presence before the concerned Police Station once in a month between 10:00 am to 02:30 pm, till conclusion of trial.**
8. **The applicant shall cooperate in trial and shall not seek undue adjournments.**

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**

AK/-