

IN THE HIGH COURT OF MADHYA PRADESH

AT GWALIOR

BEFORE

HON'BLE SHRI JUSTICE ANAND PATHAK

ON THE 2ND OF DECEMBER, 2022

MISC. CRIMINAL CASE No. 55803 OF 2022

BETWEEN:-

**RINKU VALMIK S/O SHRI OMI ALIAS
OMPRAKASH, AGED 22 YEARS, OCCUPATION-
LABOUR, R/O GIRWAI PAHADIYA, NEAR
MARGHAT, GIRWAI, DISTRICT GWALIOR
(MADHYA PRADESH)**

.....APPLICANT

(BY SHRI R.K.DUBEY - ADVOCATE)

AND

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

.....RESPONDENT

(BY SHRI BPS CHAUHAN - PUBLIC PROSECUTOR)

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

ORDER

The applicant has filed this repeat bail application u/S.439, Cr.P.C. for grant of bail. The applicant has been arrested on 4/12/2018 (wrongly mentioned as 25/11/2018) by Police Station Kampoo, District Gwalior in connection with Crime No. 546/2018 registered in relation to the offences

punishable under Sections 364, 302, 34 of IPC and Section 11/13 of MPDVPK Act.

It is the submission of learned counsel for the applicant that applicant is suffering confinement since 4/12/2018 and charge-sheet has already been filed. All material prosecution witnesses including parents of deceased have already been examined therefore, chance of tampering with evidence/witness is remote. Applicant already suffered more than four years of incarceration. Other co-accused have already been enlarged on bail. Confinement amounts to pretrial detention. Now he learnt the lesson hard way and would mend his ways to become a better citizen. He undertakes to cooperate in trial and would not be a source of embarrassment or harassment to the complainant side in any manner. On these grounds prayer for bail is made out.

Counsel for the State opposed the prayer and prayed for dismissal of the bail application.

Heard.

Perused the case diary.

After considering the rival submissions and period of custody, without commenting on the merits of the case, 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)** with one solvent surety of 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/her 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; and

7. **The applicant shall not be any source of embarrassment or harassment to the complainant party in any manner.**

Application stands allowed and disposed of.

A copy of this order be sent to the trial Court concerned for compliance, if possible for the office of this Court.

Certified copy as per rules.

(Anand Pathak)
Judge