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

**BEFORE  
HON'BLE SMT. JUSTICE SUNITA YADAV  
ON THE 30<sup>th</sup> OF NOVEMBER, 2022**

**MISC. CRIMINAL CASE No. 55923 of 2022**

**BETWEEN:-**

**BALARAM KUSHWAH S/O SHRI RAMNATH KUSHWAH,  
AGED ABOUT 24 YEARS, GRAM VANGANGA P.S MOW  
(MADHYA PRADESH)**

**.....PETITIONER**

***(SHRI RAHUL BANSAL, LEARNED COUNSEL FOR THE PETITIONER).***

**AND**

**THE STATE OF MADHYA PRADESH INCHARGE POLICE  
STATION MOW (MADHYA PRADESH)**

**.....RESPONDENTS**

***(SHRI PURUSHOTTAM TANWAR - PANEL LAWYER FOR THE  
RESPONDENT - STATE)***

.....

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

**ORDER**

The applicant has filed this Second application u/S 439, Cr.P.C. for grant of bail. The first bail application was dismissed as withdrawn vide order dated 17/10/2022 passed in M.Cr.C.No. 48827/2022 with liberty to repeat the prayer for bail after filing of the charge sheet.

The applicant has been arrested by Police Station Mao, District Bhind in connection with crime No. 147/2022 registered for the offence punishable under Section 392, 395 of IPC and section 11/13 of MPDVPK Act.

Allegations against the applicant/accused, in short, are that he along with other co-accused persons committed robbery and looted Rs. 3,000/- and one

OPPO mobile phone from the complainant.

Learned counsel for the applicant argued that applicant is an innocent person and has been falsely implicated. He further argued that applicant is the only earning member of his family. He further argued that FIR has been registered against unknown person and in the Test Identification Parade conducted by the prosecution, applicant has not been identified. The applicant is in custody since 08/09/2022. Charge sheet has since been filed and further custodial interrogation of the applicant may not be required. The applicant is permanent resident of District Bhind. The co-accused Chandu @ Krashna has since been enlarged on bail by this Court vide order dated 22/11/2022 passed in M.Cr.C. No. 53979/2022 and the case of the present applicant is similar and akin to the case of said co-accused. Conclusion of trial is likely to take time and there is no likelihood of his absconsion, if released on bail. On these grounds, he prays for grant of bail to the applicant on the ground of parity.

On the other hand, learned State counsel vehemently opposed the application on the ground that the motorcycle used in commission of the crime has been recovered from the possession of the applicant and prayed for its rejection.

Heard learned counsel for the rival parties and perused the case diary available on record.

Considering the overall facts and circumstances of the case, but without expressing any opinion on merits of the case, this application is allowed and 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 Lakh only)** with two local solvent sureties in the like amount to the satisfaction of the trial Court/committal 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/her;
- 2) The applicant will cooperate in the investigation/trial, as the case may be;
- 3 ) The applicant will not indulge himself/herself 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 any other offence during pendency of the trial, failing which, this bail order shall stand cancelled automatically without further reference to the Bench.
- 5) The applicant will not seek unnecessary adjournments during the trial; and
- 6) The applicant will not leave India without previous permission of the trial Court/Investigating Officer, as the case may be.

Learned State counsel is directed to send an e-copy of this order to the Station House Officer of the concerned Police Station for information and necessary action.

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

Certified copy as per rules.

**(SUNITA YADAV)**  
**JUDGE**