

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

**BEFORE**

**HON'BLE SMT. JUSTICE SUNITA YADAV**

**ON THE 15<sup>th</sup> OF MAY, 2024**

**MISC. CRIMINAL CASE No. 14291 of 2024**

**BETWEEN:-**

**DEEPAK @ DEEPU S/O PULANDAR SINGH GURJAR,  
AGED 27 YEARS, GRAM SATAU, THANA ANTRI  
DISTRICT GWALIOR (MADHYA PRADESH)**

**.....APPLICANT**

**(BY SHRI AJAY KUMAR DWIVEDI - ADVOCATE)**

**AND**

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

**.....RESPONDENT**

**(BY SHRI ALOK SHARMA - PANEL LAWYER)**

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

**ORDER**

This is **second** application filed by the applicant under Section 439 of the Cr.P.C. for grant of bail relating to Crime No.209 of 2018 registered at Police Station Bilaua, District Gwalior (M.P.) for the offence under Section 394 of IPC and Section 11/13 of MPDVPK Act.

The first bail application was allowed by the Coordinate Bench of this Court vide order dated 20/08/2019 passed in M.Cr.C. No.33542/2019.

This is a case of bail jump.

Earlier the applicant was granted bail on 20.08.2019, however, during the course of trial, he remained absent before the trial court on 03/01/2023 and

surrendered on 14.06.2023 and since then he is in jail.

Learned counsel for the applicant argued that applicant is an innocent person and has been falsely implicated. He further submits that absence of the applicant before the court below is bona-fide as he could not contact his counsel as he was not aware about pendency of the case. The applicant is in custody since 14.06.2023. Further submission is that the applicant is permanent resident of District Gwalior (M.P.). The applicant shall abide by all the terms and conditions as may be imposed by this Court. 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.

Per contra, learned Panel Lawyer for the respondent/State vehemently opposed the bail application by citing criminal antecedents and prayed for dismissal of present bail application.

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

Considering the 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 **Rs. 10,000/-(Rupees Ten Thousand Only)** be forfeited from previous personal bond of the applicant and on furnishing fresh bail bond in the sum of **Rs.1,00,000/- (Rupees One Lakh Only) with one solvent surety** in the like amount to the satisfaction of the trial Court, he should be released on bail.

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 will not commit an offence similar to the offence for which he is accused;
- 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**

AK/-