

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

**BEFORE**

**HON'BLE SHRI JUSTICE ANAND PATHAK**

**ON THE 27<sup>th</sup> OF SEPTEMBER, 2024**

**MISC. CRIMINAL CASE NO. 15124 of 2024**

**STATE OF MADHYA PRADESH**

**Vs.**

**RAJKUMAR DHAKAD**

---

**APPEARANCE:**

*Shri N.K. Gupta – Advocate for the petitioner.*

*Shri Vinod Pathak – Advocate for the respondent/accused.*

---

**ORDER**

1. Present application is preferred under Section 439(2) of Cr.P.C. by the petitioner/State Government seeking cancellation of bail granted to the respondent/accused vide order dated 27-04-2022 passed in M.Cr.C.No.16327/2022.
2. It is the submission of learned counsel for the petitioner that vide order dated 27-04-2022 the accused/respondent has been enlarged on bail in Crime No.214/2020 for offence under Sections 302, 376-D, 120-B and 201 of IPC. After being enlarged, the accused/respondent committed another offence which has been registered at crime No.214/2023 at the same Police Station i.e. Police Station Bajranggarh District Guna for offence under Sections 294, 323, 34 of IPC. It is submitted that while enlarging the accused/respondent on bail vide order dated 27-04-2022, specific conditions were imposed upon him that he shall not commit any offence similar to the offence of which he is accused and would

mark his appearance on every Sunday at the Police Station Cantt. District Guna. Although similar offence has not been committed by the applicant but he indulged in criminal activity and further he did not mark his presence before the Police Station Cantt. District Guna. Thus, prayed for cancellation of bail.

3. Learned counsel for the respondent/accused opposed the prayer. According to him, he has already suffered sufficient period of custody and in the case in hand, no further investigation is required. Once bail is granted and he has not misused the liberty then cancellation of bail is not required. It is further submitted that he has been falsely implicated in the subsequent registered case i.e. Crime No.214/2023. Due to communication gap he could not mark his presence before the Police Station but he undertakes to do so. Applicant has not disobeyed any of the conditions imposed by this Court. He relied upon the judgment of Apex Court in the case of **Abdul Basit alias Raju and others Vs. Mohd. Abdul Kadir Chaudhary and another, (2014) 10 SCC 754** and **Densil Vs. State of Kerala CRL.MC No.2814 of 2022 dated 10-08-2022** and **Dataram Singh Vs. The State of Uttar Pradesh, AIR 2018 SC 980**.
4. Heard the arguments advanced by learned counsel for the parties and perused the case diary.
5. This is a case where the application for cancellation of bail is filed by the State on the ground that respondent/accused did not comply the condition contained in the bail order dated 27-04-2022 passed in M.Cr.C.No.16327 of 2022 whereby respondent/accused had to appear regularly before the Police Station. That condition was in following manner:

*“6. The applicant will not be a source of embarrassment or harassment to the complainant party in any manner and would mark his presence before the Police Station Cantt. District Guna on every Sunday between 10 am to 2 pm till conclusion of trial.”*

6. Respondent/accused is facing the allegations of offence under Section 302 read with Section 376 of IPC and due to period of custody he was granted benefit of bail vide order dated 27-04-2022 so that his personal liberty could have been ensured. However, this personal liberty was regulated with certain stringent conditions so that he may not go out of the bound of law and may not be source of embarrassment and harassment to the complainant side in any manner because victim/prosecutrix was woman.
7. It appears that the respondent/accused took the direction of this Court lightly and did not appear for months together. Such conduct specifically when such serious allegations are being faced by the respondent/accused is taken into consideration, then it appears that his conduct was not proper. So far as commission of similar offence is concerned, although the case registered against the respondent/accused was not similar but the fact remains that after release on bail, he indulged in criminal activities.
8. Although it makes out a case for cancellation of bail, however, counsel for the respondent informs this Court that matter is at the fag end of trial and in first week of October, 2024 date is fixed for final arguments. Therefore, no useful purpose would be served while cancelling bail of the respondent/accused. However his conduct is deprecated and this order be sent to the trial Court for information and for taking into account the conduct of

respondent/accused.

9. Application stands **disposed of** with aforesaid observations.

Anil\*

**(ANAND PATHAK)**  
**JUDGE**