

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

**BEFORE**

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

**ON THE 10<sup>th</sup> OF JULY, 2024**

**MISC. CRIMINAL CASE No. 21717 of 2024**

***BAISA @ BAIJNATH***

**Vs**

***THE STATE OF MADHYA PRADESH***

**Appearance:**

***(SHRI PAVAN KUMAR VIJAYWARGIYA - ADVOCATE FOR THE  
APPLICANT)***

***(SHRI KULDEEP SINGH - PUBLIC PROSECUTOR FOR  
RESPONDENT/STATE)***

**ORDER**

The applicant has filed this first application u/S. 439 of Cr.P.C. for grant of bail.

The applicant has been arrested on 17.04.2024 by Police Station Chanderi, District Ashoknagar in Connection with Crime No. 164/2013 registered for the offence punishable under Sections 395, 397, 450, 459 of IPC.

Learned counsel for the applicant argued that the applicant is innocent and has been falsely implicated. The incident occurred on 5.5.2013. The entire prosecution story is highly suspicious. As per FIR, the offence was committed by 4 to 5 persons. However, till now almost 8 persons have been arrested. No incriminating article has been recovered from the possession of applicant/accused. He is under custody since 17.04.2024. Custodial interrogation is not required any more. The applicant is permanent resident of District Morena (M.P.) and there is no possibility of his absconsion. On these grounds, he prays for grant of bail to the applicant.

*Per contra*, learned counsel for the State opposed the bail application citing criminal history of the applicant and prayed for rejection of the bail application

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

Having considered the arguments rendered by the parties and in view of 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 the applicant be released on bail on furnishing a personal bond in the sum of **Rs.50,000/- (Rupees Fifty Thousand only)** with two 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;
- 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 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.

**7) The applicant shall mark his presence before the SHO of the concerning Police Station in the first week of every month until the case is finally decided.**

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.

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**(SUNITA YADAV)  
JUDGE**