

**IN THE HIGH COURT OF MADHYA PRADESH  
AT GWALIOR  
MCRC NO.30883 OF 2024  
(RAHUL KUSHWAH VS. STATE OF MADHYA PRADESH)**

**Dated: 05.08.2024**

*Shri Anshu Gupta - Advocate for applicant.*

*Shri Saket Udainiya- Public Prosecutor for respondent/State.*

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This **first** bail application has been filed by applicant under Section 439 of the Code of Criminal Procedure, 1973, for grant of bail in connection with Crime No.359/2024 registered at Police Station Aron, District Guna (M.P.) for offence punishable under Section 393 of IPC. The applicant is in judicial custody since 05.06.2024.

As per the case of prosecution, Akhilesh Kumar Jain submitted a written complaint to Station House Officer, Police Station Aron, District Guna (M.P.) on 04.06.2024 that on 30.05.2024 around 12 noon, he heard shouts of his uncle Sunil Kumar Jain. He saw that three unknown assailants riding on motorcycle were trying to rob his uncle Sunil Kumar Jain. His uncle Sunil Kumar Jain informed that he was returning from shop when these assailants stopped his way. One of them put him on gunpoint and snatched his bag. Since his bag was empty, they returned his bag and started abusing him in filthy language. Since his uncle was ill, he could not lodge the report earlier. On such allegations, Police Station Aron, District Guna (M.P.) registered FIR at Crime No.359/2024 for offence punishable under Section 393 of IPC against unknown offender. Sunil Khatik, in his statement recorded on 04.06.2024, informed that he had seen Suraj Kushwah, Rahul Meena and Shivkumar @ Shiva Raghuvanshi roaming around on motorcycle near bank. Applicant Rahul Kushwah was arrested on 05.06.2024. He is in custody ever since. In TIP, the complainant has identified the applicant. Investigation is underway.

Learned counsel for the applicant, in addition to the grounds mentioned in the application, submits that applicant has falsely been implicated in the matter merely on suspicion. No offence, as alleged, is committed by the applicant. Applicant is aged 22 years. He is labourer by profession. There is no likelihood of absconsion leaving his family and home. No further custodial interrogation against the applicant is needed. There is no likelihood of tampering with evidence by applicant. Trial would take time to conclude. Therefore, applicant may be extended the benefit of bail.

*Per contra*, learned counsel for the State opposes the bail application on the ground of gravity of alleged offence and alleges criminal history of three cases against the applicant out of which two are under investigation.

In reply, learned counsel for the applicant submits that the applicant is falsely implicated in both the matters. The other matter is pending for trial. Applicant has been extended the benefit of bail in other matter. He has never been convicted.

Heard learned counsel for the parties and perused the case diary.

Considering the arguments advanced by both the parties and overall circumstances of the case, but without commenting on merits of the case, this Court is inclined to release the applicant on bail. Thus, the application is allowed.

Accordingly, it is directed that applicant **RAHUL KUSHWAH** shall be released on bail in connection with Crime No.359/2024 registered at Police Station Aron, District Guna (M.P.) for offence punishable under Section 393 of IPC, upon furnishing a personal bond in the sum of **Rs.50,000/- (Rupees Fifty Thousand only)** with one solvent surety of the same amount to the satisfaction of the Trial Court, for compliance with the following conditions: **(For convenience of understanding by accused and surety, the conditions of bail are also reproduced in Hindi as under):-**

- (1) Applicant shall remain present on every date of hearing as may be

directed by the concerned court;

(1) आवेदक संबंधित न्यायालय के निर्देशानुसार सुनवाई की प्रत्येक तिथि पर उपस्थित रहेगा।

(2) Applicant shall not commit or get involved in any offence of similar nature;

(2) आवेदक समान प्रकृति का कोई अपराध नहीं करेगा या उसमें सम्मिलित नहीं होगा।

(3) Applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them/him/her from disclosing such facts to the Court or to the police officer;

(3) आवेदक प्रकरण के तथ्यों से परिचित किसी व्यक्ति को प्रत्यक्ष या अप्रत्यक्ष रूप से प्रलोभन, धमकी या वचन नहीं देगा, जिससे ऐसा व्यक्ति ऐसे तथ्यों को न्यायालय या पुलिस अधिकारी को प्रकट करने से निवारित हो।

(4) Applicant shall not directly or indirectly attempt to tamper with the evidence or allure, pressurize or threaten the witness;

(4) आवेदक प्रत्यक्ष या अप्रत्यक्ष रूप से साक्ष्य के साथ छेड़छाड़ करने का या साक्षी या साक्षियों को बहलाने-फुसलाने, दबाव डालने या धमकाने का प्रयास नहीं करेगा।

(5) During trial, the applicant shall ensure due compliance of provisions of Section 309 of Cr.P.C./346 Bhartiya Nagrik Suraksha Sanhita, 2023, regarding examination of witnesses in attendance;

(5) विचारण के दौरान, उपस्थित गवाहों से परीक्षण के संबंध में आवेदक धारा 309 दं.प्र.सं./346 भारतीय नागरिक सुरक्षा संहिता, 2023 के प्रावधानों का उचित अनुपालन सुनिश्चित करेगा।

This order shall be effective till the end of trial. However, in case of breach of any of the precondition of bail, the Trial Court may consider on merit cancellation of bail without any impediment of this order.

**The trial Court shall get these conditions reproduced on the personal bond by the accused and on surety bond by the surety concerned. If any of them is unable to write, the scribe shall certify that he had explained the conditions to the concerned accused or the surety.**

C.C. as per rules.

**(SANJEEV S KALGAONKAR)  
JUDGE**