

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

**:SINGLE BENCH:**

**{HON'BLE SHRI JUSTICE ANAND PATHAK}  
ON 13<sup>th</sup> SEPTEMBER, 2024  
MISCELLANEOUS CRIMINAL CASE NO.37279/2024**

**Kalli @ Kallu @ Kalla  
Vs.  
State of Madhya Pradesh**

**Appearances:-**

*Shri G.S. Sharma – Advocate for the applicant.*

*Shri Naval Kishore Gupta – Public Prosecutor for the  
respondent-State.*

-----  
**ORDER**

1. The applicant has filed this third **repeat** bail application u/S. 439 of Cr.P.C. for grant of bail. Applicant has been arrested on 18-05-2022 by Police Station Pahargarh, District-Morena (M.P.) in connection with Crime No.59/2022 registered for offence under Sections 458, 323, 212, 216, 307 of IPC and Section 11,13 of MPDVPK Act. Earlier bail applications were dismissed as withdrawn.
2. It is the submission of learned counsel for the applicant that material prosecution witnesses (11 in number) have been examined therefore, chance of tempering with evidence/ witnesses is remote. He

fairly submits the applicant bears criminal background of eight cases but looking to the period of custody which is two years and four months, his case be considered for bail. He undertakes to cooperate in trial and would not be a source of embarrassment and harassment to the complainant side in any manner. Under these grounds, he prayed for bail.

3. Learned counsel for the respondent/State opposed the prayer and prayed for dismissal of bail application on the ground that applicant has criminal history of eight cases.

4. Heard learned counsel for the parties at length and perused the case diary.

5. Considering the submissions advanced by learned counsel for the parties specially the status of trial in which 11 prosecution witnesses including material prosecution witnesses have been examined and applicant has suffered about 02 years and 04 months' incarceration, but without commenting on the merits of the case, it is hereby directed that the applicant shall be released on bail on his furnishing personal bond of **Rs.1,00,000/- (Rupees One Lac Only)** with two solvent sureties of the like amount to the satisfaction of trial Court.

6. 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 3 case so as to dissuade them from disclosing such facts to the Court or to the Police Officer, as the case may be;*

4. *The applicant shall not commit an offence similar to the offence of which he is accused;*

5. *The applicant will not be a source of embarrassment or harassment to the complainant party in any manner and applicant will not seek unnecessary adjournments during the trial;*

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 concerned Police Station on every Sunday and Thursday between 10:00AM to 02:00 PM till conclusion of trial.*

7. Application stands allowed and *disposed of*.

8. A copy of this order be sent to the trial Court concerned for compliance and information.

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