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MCRC-17370-2025

IN THE HIGH COURT OF MADHYA PRADESH
AT GWALIOR

BEFORE

HON'BLE SHRI JUSTICE RAJENDRA KUMAR VANI

ON THE 29th OF APRIL, 2025MISC. CRIMINAL CASE No. 17370 of 2025*SABBIR ALI**Versus**THE STATE OF MADHYA PRADESH*

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Appearance:

Shri Jai Prakash Kushwah - learned counsel for the applicant.

Shri Saket Udeniya - learned Public Prosecutor for the
respondent/State.
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ORDER

This is second application filed by the applicant under Section 483 of the BNSS for grant of bail relating to Crime No.148/2024 registered at Police Station -Badouni, District - Datia (M.P.) for the offence under Section 304 of IPC, 4/ 6 of Explosive Substances Act.

2. The allegation against the present applicant is that he was the contractor who assigned certain blasting work to Radhe Kushwah and Govind Kanjar at the Sindh River bridge, knowing fully well that the work was dangerous and that they were not acquainted with such tasks. During the said work, Radhe sustained injuries and died during treatment, whereas Govind Kanjar died on the spot.

3. It is submitted by counsel for applicant that applicant is innocent and has falsely been implicated in the matter. He is in custody since



27.02.2025. The first bail application of the applicant was dismissed as withdrawn vide order dated 26.3.2025 passed in M.Cr.C. No.12338 of 2025 by this Court with liberty to file it afresh after examination of material witnesses. Thereafter, as many as 12 witnesses have been examined before the trial Court. They have not supported the prosecution case at all and turned hostile. Applicant has no criminal history. He is ready and willing to abide by any condition which may be imposed by the Court. The applicant is the permanent resident of District Gwalior (M.P.) and there is no possibility of his absconsion or tampering with the prosecution evidence. The trial is likely to take sufficiently long time. Hence, he prays for grant of bail to the applicant.

4. *Per contra*, learned State counsel opposed the bail application and prayed for its rejection.

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

6. Having considered the rival submissions and the facts and circumstances of the case, but without expressing any opinion on the merits of the case, this Court is of the considered opinion that the applicant may be granted bail. Hence, the application is **allowed**. It is directed that the applicant be released on bail on furnishing a personal bond in the sum of **Rs.1,00,000/- (Rupees One lac Only)** with one solvent surety in the like amount to the satisfaction of the trial Court/committal Court.

7. This order will remain operative subject to compliance of the following conditions by the applicant:-



- i) The applicant will comply with all the terms and conditions of the bond executed by him;
- ii) The applicant will cooperate in the investigation/trial, as the case may be;
- iii) 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;
- iv) The applicant will not commit any other offence or will not repeat the offence in future. In case offence of same nature is repeated, this bail order shall automatically stand cancelled;
- v) The applicant will not seek unnecessary adjournments during the trial; and
- vi) The applicant will not leave India without previous permission of the trial Court/Investigating Officer, as the case may be.

8. 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.

(RAJENDRA KUMAR VANI)
JUDGE