

# **HIGH COURT OF MADHYA PRADESH**

1

MCRC No.53120/20

## **MCRC No.53120/2020**

*(Ghanshyam Vs. State of M.P.)*

**Indore, Dated : 19.1.2021**

Ms. Sharmila Sharma, learned counsel for the applicant is present in person through Video Conferencing.

Shri Hemant Sharma, learned Public Prosecutor for the non applicant/State is present in person through Video Conferencing.

Heard through video conferencing. Perused the case diary.

This is the second application under Section 439 of Cr.P.C. for grant of bail. The first bail application being M.Cr.C. No.28317/20 was dismissed as withdrawn on 4.9.2020 with liberty to press fresh application after 3 months from the date of the order i.e. 4.9.2020.

Applicant – Ghanshyam S/o Kanha is implicated in Crime No.188/2018 registered at Police Station – Pithampur Sector Number for the offence punishable under Sections 363, 366, 376 of IPC and under Section 3/4 of POSCO Act and he is in custody since 7.6.2020

This is a bail jump matter. The applicant is accused of committing offence under Section 363, 366, 376 of IPC and Section 3/4 of POSCO Act.

Learned counsel for the applicant submits that the applicant could not appear before the trial Court on 28.3.2019 due to the bonafide reasons and thereafter arrest warrant was issued on 3.7.2019 and the applicant was arrested on 7.6.2020 and since then he is in custody. She further submits that the applicant has been falsely implicated in the matter and FIR has been lodged belatedly. On these grounds, she has prayed for bail to the applicant.

## **HIGH COURT OF MADHYA PRADESH**

2

MCRC No.53120/20

Learned Public Prosecutor for the State was also heard who has opposed the application.

Considered.

On due consideration of the aforesaid submissions, mainly those advanced by the learned counsel for the applicant, without commenting upon the merits of the case, this bail application is allowed and it is directed that **applicant–Ghanshyam S/o Kanha** shall be released on bail upon his furnishing a personal bond in the sum of **Rs.50,000/- (Rupees Fifty thousand only)** with **one solvent surety** in the like amount to the satisfaction of the concerned Trial Court/Committal Court for his regular appearance before the Trial Court/Committal Court on all dates of hearing as may be fixed in this behalf by the Court concerned during trial. It is also directed that the applicant shall abide by all the conditions enumerated under Section 437(3) of the Cr.P.C.

A copy of this order be sent to the Court concerned for compliance.

M.Cr.C. No.53120/2020 is allowed and stands disposed of.

C.C. as per rules.

**(Shailendra Shukla)**  
**Judge**

*trilok/-*