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

**BEFORE  
HON'BLE SHRI JUSTICE SUBODH ABHYANKAR  
ON THE 13<sup>th</sup> OF MAY, 2022**

**MISC. CRIMINAL CASE No. 23680 of 2022**

**Between:-**

**PAPPUSINGH S/O JAISINGHJI , AGED ABOUT 40  
YEARS, OCCUPATION: AGRICULTURE VILLAGE  
BORANA TEHSIL JAORA (MADHYA PRADESH)**

**.....APPLICANT**

**(BY SHRI ASHISH GUPTA, ADVOCATE )**

**AND**

**THE STATE OF MADHYA PRADESH STATION  
HOUSE OFFICER THROUGH POLICE STATION  
BARAWADA (MADHYA PRADESH)**

**.....RESPONDENT**

**(BY SHRI G. S. CHOUHAN, G.A. )**

.....  
*This application coming on for orders this day, the court passed the  
following:*

**ORDER**

They are heard.

This is the **sixth** bail application filed by applicant under Section 439 of Criminal Procedure Code, 1973 as he is implicated in connection with Crime No.135/2020 registered at Police Station Barawada, District Ratlam (MP) for offence punishable under Section 34(2) of M.P. Excise Act. The applicant is in custody since 29.06.2020.

His earlier bail applications have already been dismissed or allowed temporarily. However, last application i.e. 5th bail application M.Cr.C. No.12196 of 2022 was rejected by this Court on 24.03.2022 with the

observation that the applicant can renew his prayer if he stands acquitted in the earlier case registered under the same provision.

Counsel for the applicant has submitted that earlier against the applicant one case bearing Crime No.126 of 2018 has been registered in which has arraigned as an accused only on the basis of a memo prepared under Section 27 of the Evidence Act in which he has already been granted bail and the aforesaid case is still pending and there is no progress in the present case also. Thus, it is submitted that the applicant is in jail since last around 2 years as he is in custody 29.06.2020 and when he was granted temporary bail for 8 months, he has not misused the liberty extended to him and has surrendered as directed by this Court. Thus, it is prayed that the application be allowed and applicant be released on bail.

Counsel for the respondent/State, on the other hand, has opposed the prayer and it is submitted that case-diary is not available.

On due consideration of submissions and on perusal of the documents filed on record, this Court finds force with the contentions raised by the counsel for the applicant, and finds it expedient to allow the application.

Accordingly, without adverting to the merits of the case, the application filed by the applicant is allowed. The applicant is directed to be released on bail upon furnishing a personal bond in the sum of **Rs.50,000/- (rupees fifty thousand)** with a solvent surety of the like amount to the satisfaction of the trial Court for his regular appearance before the trial Court during trial with a condition that he shall remain present before the Court concerned during trial and shall also abide by the conditions enumerated under Section 437 (3) Criminal Procedure Code, 1973.

It is also observed that if the applicant is found to be involved in any of

the criminal activities, after his release on bail, then the present bail order shall stand cancelled without further reference to this Court; and the State/prosecution will be free to arrest the accused in the present case also.

This order shall be effective till the end of the trial, however, in case of bail jump, it shall become ineffective.

Certified copy as per rules.

**(SUBODH ABHYANKAR)**  
**JUDGE**

Pankaj

