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

**BEFORE  
HON'BLE SHRI JUSTICE VIVEK RUSIA**

**ON THE 26<sup>th</sup> OF APRIL, 2024**

**MISC. CRIMINAL CASE No. 15583 of 2024**

**BETWEEN:-**

**SANTOSH S/O KHUM SINGH DAWAR, AGE: 21 YEARS,  
OCCUPATION: LABOUR, PRESENT ADDRESS: VILLAGE  
MEHANDI KHEDA, TEHSIL UDAY NAGAR, DISTRICT  
DEWAS (MADHYA PRADESH)**

**.....APPLICANT**

**(BY SHRI (DR.) KHUZEMA KAPADIA - ADVOCATE.)**

**AND**

**THE STATE OF MADHYA PRADESH, THROUGH STATION  
HOUSE OFFICER, POLICE STATION KHUDEL, DISTRICT  
INDORE (MADHYA PRADESH)**

**.....RESPONDENT**

**(BY SHRI KRATIK MANDLOI - ADVOCATE APPEARING ON BEHALF OF  
ADVOCATE GENERAL.)**

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

**ORDER**

This is the repeat (third) application filed by the applicant under Section 439 of the Code of Criminal Procedure, 1973 for grant of bail in connection with Crime No.393 of 2019 registered at Police Station - Khudel, District - Indore (MP) for commission of offence punishable under Sections 302, 394, 397, 398, 341 and 201 read with Section 34 of the Indian Penal Code, 1860 and also under Section 25 of the Arms Act, 1959. The applicant is in custody since 07.09.2019.

2. His second bail application was dismissed on merit by this Court vide

order dated 25.10.2023 passed in Miscellaneous Criminal Case No.44904 of 2023, while first application of the applicant was dismissed vide order dated 10.11.2022 passed in M.Cr.C. No.52027 of 2022 as withdrawn. Now, present application has been filed.

3. Learned counsel for the applicant submits that the applicant is in jail since 07.09.2019. At the time of incident, he was aged about 21 years having no criminal past. Relevant witnesses have already been examined, therefore, further custody of applicant is not required. It is further submitted that in last 4 - 5 years, only five witnesses have been examined till date. After being released on bail, he will give assistance in the trial. There is no question of influencing the witnesses, as all independent witnesses have already been examined.

4. Learned counsel submits that co-accused Deepak S/o Phool Singh has already been granted bail by this Court in Miscellaneous Criminal Case No.11732 of 2024 vide order dated 05.04.2024 and the case of the present applicant is identical to the case of co-accused Deepak. Hence, applicant may be enlarged on bail.

5. Learned Government Advocate for the respondent / State opposes the application by submitting that the applicant has been identified by the son of the deceased. It is further submitted that human blood was found on the cloths of the applicant, however, the present case is based on the circumstantial evidence.

6. Taking into consideration the totality of the facts and circumstances of the case coupled with the fact that the applicant is in custody from 07.09.2019 and independent witnesses have been examined, I deem it proper to enlarge the applicant on bail, maintaining parity with co-accused Deepak S/o Phool Singh.

7. Accordingly, the application is allowed. Applicant – Santosh S/o Khum

Singh Dawar is directed to be released on bail upon his furnishing 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 Trial Court for his appearance before that Court during the pendency of trial. The applicant shall also abide by the conditions enumerated under Section 437(3) Cr.P.C.

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

Certified copy, as per Rules.

rcp



**(VIVEK RUSIA)**  
**JUDGE**