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MCRC-21893-2025

IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE

BEFORE

HON'BLE SHRI JUSTICE SANJEEV S KALGAONKAR

ON THE 17th OF MAY, 2025

MISC. CRIMINAL CASE No. 21893 of 2025

SHUBHAM

Versus

THE STATE OF MADHYA PRADESH

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Appearance:

Shri Himanshu Thakur advocate for the applicant.

Shri Amit Rawal public prosecutor for State.

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ORDER

1. This *second* application has been filed by applicant under Section 483 of BNSS, 2023 for grant of regular bail in connection with Crime No. 349/2020 registered at Police Station Pardeshipura District Indore(M.P.), for offence punishable under Sections 324, 327, 294, 506, 307 and 34 of IPC and Section 25 of Arms Act. The applicant is in custody since 27.04.2025. His first bail application was allowed *vide* order dated 3.5.2021 passed in MCRC No. 10468/2021.

2. The factual scenario as revealed by record is that the applicant was earlier extended benefit of bail by this Court *vide* order dated 3.5.2021 passed in MCRC No. 10468/2021. In compliance of the bail order, the applicant was released on bail after submitting personal bond and surety bond, but later during trial, he could not appear before the trial Court and warrant of arrest was issued. In furtherance of the arrest warrant, the



applicant was arrested and he was released on bail *vide* order dated 16.10.2023. Again he committed default and warrant of arrest was issued. In compliance thereof, the applicant was arrested on 27.04.2025 and he is in custody ever since. The trial is underway.

3. Learned counsel for the applicant, in addition to grounds mentioned in the application, submits that the applicant could not appear during trial before the Court on 27.04.2025 as he had gone outside for labour work to earn livelihood and he was not aware of about his appearance date before the trial Court, as he could not contact his lawyer. Learned counsel further contends that the applicant is aged around 28 years. He is a labourer. He has learnt the lesson in hard way. There is no likelihood of absconsion leaving his family and home. Applicant is ready to comply with the stringent conditions which may be imposed by this Court. The trial would take time to complete. On these grounds, learned counsel for the applicant prays for grant of bail.

4. *Per contra*, learned Counsel for the State opposes the prayer for grant of bail, while submitting that the applicant had breached the conditions of bail.

5. Heard the arguments, perused the grounds for grant of bail stated in the application and the case diary.

6. Considering the arguments advanced by both the parties and overall circumstances of the case, but without commenting on merits of the



case, this Court is inclined to release the applicant on bail, however, on stringent conditions in view of his previous default. Thus, the application is allowed.

7. Accordingly, it is directed that **applicant-Shubham** shall be released on bail in connection with crime No. 349/2020 registered at P.S. Pardeshipura Indore for offence punishable under Sections 324, 327, 294, 506, 307 and 34 of IPC and Section 25 of Arms Act, upon furnishing a personal bond in the sum of **Rs. 50,000/- (Rupees Fifty Thousand only)** with **two solvent sureties of the like amount** to the satisfaction of the Trial Court, for compliance with the following conditions, : **(For convenience of understanding by accused and surety, the conditions of bail are also reproduced in Hindi as under):-**

(1) Applicant shall remain present on every date of hearing as may be directed by the concerned court;

(1) आवेदक संबंधित न्यायालय के निर्देशानुसार सुनवाई की प्रत्येक तिथि पर उपस्थित रहेगा ।

(2) Applicant shall not commit or get involved in any offence of similar nature;

(2) आवेदक समान प्रकृति का कोई अपराध नहीं करेगा या उसमें सम्मिलित नहीं होगा ।

(3) Applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them/him/her from disclosing such facts to the Court or to the police officer;

(3) आवेदक प्रकरण के तथ्यों से परिचित किसी व्यक्ति को प्रत्यक्ष या अप्रत्यक्ष रूप से प्रलोभन, धमकी या वचन नहीं देगा, जिससे ऐसा व्यक्ति ऐसे तथ्यों को न्यायालय या पुलिस अधिकारी को प्रकट करने से निवारित हो ।

(4) Applicant shall not directly or indirectly attempt to tamper with the



evidence or allure, pressurize or threaten the witness;

(4) आवेदक प्रत्यक्ष या अप्रत्यक्ष रूप से साक्ष्य के साथ छेड़छाड़ करने का या साक्षी या साक्षियों को बहलाने-फुसलाने, दबाव डालने या धमकाने का प्रयास नहीं करेगा ।

(5) During trial, the applicant shall ensure due compliance of provisions of Section 309 of Cr.P.C./346 of Bharatiya Nagarik Suraksha Sanhita, 2023 regarding examination of witnesses in attendance;

(5) विचारण के दौरान, उपस्थित गवाहों से परीक्षण के संबंध में आवेदक धारा ३०९ दं. प्र.सं./ ३४६ भारतीय नागरिक सुरक्षा संहिता, 2023 के प्रावधानों का उचित अनुपालन सुनिश्चित करेगा ।

[6] The applicant shall produce the earlier surety before the Trial Court. The Trial Court may proceed under Section 446 of CrPC with regard to forfeiture of his earlier personal bond and surety bond before releasing him on bail, as aforesaid.

8. This order shall be effective till the end of trial. However, in case of breach of any of the preconditions of bail, the Trial Court may consider on merit cancellation of bail without any impediment of this order.

9. The trial Court shall get these conditions reproduced on the personal bond by the accused and on surety bond by the surety concerned. If any of them is unable to write, the scribe shall certify that he had explained the conditions to the concerned accused or the surety.

C.C. as per rules.

(SANJEEV S KALGAONKAR)
JUDGE