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

**BEFORE
HON'BLE SHRI JUSTICE SANJAY DWIVEDI
ON THE 2nd OF DECEMBER, 2022
MISC. CRIMINAL CASE No. 56690 of 2022**

BETWEEN:-

**BHANU CHAKRAVERTY S/O SHRI SARMAN CHAKRAVERTY,
AGED ABOUT 20 YEARS, OCCUPATION: LABOUR, R/O VILLAGE
AND POST KATANGI KALA, P.S. N.K.J., DISTRICT KATNI
(MADHYA PRADESH)**

.....APPLICANT

(BY SHRI BALDEV PRASAD PATEL - ADVOCATE)

AND

**THE STATE OF MADHYA PRADESH THROUGH POLICE STATION
NKJ, DISTRICT KATNI (MADHYA PRADESH)**

.....RESPONDENT

(BY SHRI PUNIT SHROTI - PANEL LAWYER)

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

ORDER

This second application under Section 439 of the Code of Criminal Procedure has been filed on behalf of the applicant for grant of bail in connection with Crime No.424/2021 registered at Police Station NKJ, District Katni, for the offence punishable under Sections 302, 201/34 of the Indian Penal Code. The applicant is in jail since 22.07.2021.

The applicant's earlier bail application was dismissed vide order dated 08.02.2022 passed in M.Cr.C. No.52661 of 2021. Thereafter, material witness have been recorded and the main witness i.e. Seema Kol (PW-8) has also been recorded, she has turned hostile not supported the case of prosecution.

Learned counsel for the applicant submits that it is case of circumstantial evidence and nothing incriminating material is available with the prosecution to indicate that the present applicant was involved in the alleged crime. He submits that the FSL report has also come and the same is negative, therefore, the applicant is entitled to be released on bail.

Considering the aforesaid, though the bail application has been opposed by the counsel for the State, but looking to the period of custody and other existing circumstances, I am inclined to enlarge the applicant on bail. Therefore, without commenting anything on the merits of the case, this application is **allowed**.

It is directed that the applicant be released on bail upon his furnishing a personal bond in the sum of **Rs.1,00,000/- (Rupees One Lac)** with one solvent surety of the like amount to the satisfaction of the trial Court concerned for his appearance on the dates given by it.

It is further directed that the applicant shall abide by the conditions enumerated in Section 437(3) of the Code of Criminal Procedure.

Certified copy as per rules.

(SANJAY DWIVEDI)
JUDGE