

HIGH COURT OF MADHYA PRADESH

MCRC No.29396/2019

(Deepak alias Deepu Vs The State of M.P.)

Gwalior, Dated : 22.07.2019

Shri Swapnil Shukla, learned counsel for the applicant.

Shri K.P.S.Sengar, learned Panel Lawyer for the State.

The applicant has filed this first bail application under section 438 of Cr.P.C. for grant of bail.

The applicant apprehends his arrest in connection with Crime No.07/2019 registered at Police Station Atreta, District Datia in relation to the offence punishable under Sections 323, 294, 506, 436, 427 and 34 of IPC.

As per prosecution story, on 17.02.2019 complainant Hemant Sharma submitted an application with regard to firing and marpeet committed by the present applicant and other two persons at Dongarpur Mining and it is also alleged that they threatened to kill him.

Learned counsel for the applicant submits that the applicant has been falsely implicated in the alleged offence. There is no allegation of marpeet by the present applicant. He has been involved in the offence due to previous enmity. It is further submitted that except offence under Section 436 of IPC, all other offences are bailable. It is further submitted that co-accused Sajjan Singh Yadav has already been granted the benefit of bail under Section 438 Cr.P.C. by this Court vide

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order dated 08.07.2019 passed in M.Cr.C.No.27312/2019. There is no possibility of his absconding or tampering the prosecution case. Therefore, prayed for anticipatory bail and seeks parity.

Learned Panel Lawyer for the State opposed the application and prayed for its rejection.

Heard learned counsel for the parties and perused the case diary.

Considering the facts and circumstances of the case and co-accused has already been given the benefit of anticipatory bail under Section 438 Cr.P.C., without commenting on the merits of the case, this Court deems it appropriate to allow this application under Section 438 of Cr.P.C. filed by the applicant.

It is hereby directed that in the event of arrest the applicant shall be released on bail on his furnishing a personal bond of **Rs.1,00,000/- (Rupees One Lac Only)** with one solvent surety in the like amount to the satisfaction of the Arresting Officer/Investigating Officer.

This order will remain operative subject to compliance of the following conditions by the applicant :-

1. The applicant will comply with all the terms and conditions of the bond executed by him;

2. The applicant shall make himself available for interrogation by a police officer as and when required. He shall further abide by the

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other conditions enumerated in sub-Section (2) of Section 438 of Cr.P.C..

3. The applicant will not indulge himself in extending inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to the Police Officer, as the case may be ;

4. The applicant shall not commit an offence similar to the offence of which he is accused;

5. The applicant will not seek unnecessary adjournments during the trial; and

6. The applicant will not leave India without previous permission of trial Court/ Investigating Officer, as the case may be.

A copy of this order be sent to the Court concerned for compliance as well as copy of the order be given to the learned Panel Lawyer for the State with a direction to keep the same in the concerned case diary.

Certified copy as per rules.

(Rajeev Kumar Shrivastava)

Judge