

(2023) 06 MP CK 0054

**Madhya Pradesh High Court (Gwalior Bench)****Case No:** Miscellaneous Criminal Case No. 25365 Of 2023

Raja Bhaiya

APPELLANT

Vs

State Of Madhya Pradesh

RESPONDENT

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**Date of Decision:** June 19, 2023**Acts Referred:**

- Code Of Criminal Procedure, 1973 - Section 439
- Indian Penal Code, 1860 - Section 34, 294, 323, 324, 326

**Hon'ble Judges:** Sunita Yadav, J**Bench:** Single Bench**Advocate:** Aditya Singh Ghuraiya, Rajeev Upadhyay**Final Decision:** Allowed

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**Judgement**

Sunita Yadav, J

This is the second application under Section 439 of the Cr.P.C. for grant of bail relating to FIR No.256 of 2022 registered at Police Station Bamore, District Morena (M.P.) for the offence under Sections 323, 294, 506, 34, 324 and 326 of IPC.

Allegation against the present applicant is that he inflicted injuries to injured Ramu by means of farsa.

Learned counsel for the applicant argued that the applicant is innocent and has been falsely implicated. On several occasions, the case has been listed for recording of evidence of prosecution witnesses, however, the injured persons are not turning up deliberately to cause delay in the trial, which is evident from the order-sheets filed by the applicant along with this bail application from page No. 27. Further argument is that the applicant is in custody since 13.9.2022. Conclusion of trial is likely to take long time.

Applicant is the permanent resident of District Morena (M.P.) and there is no possibility of his absconsion or tampering with the prosecution evidence. He has no

criminal antecedents. On these grounds, he prays for grant of bail to the applicant.

Per contra, learned counsel for the State opposed the bail application and prayed for its rejection.

Heard learned counsel for the rival parties and perused the case diary available on record.

Considering the facts and circumstances of the case, but without expressing any opinion on merits of the case, this application is allowed and it is directed that the applicant be released on bail on furnishing a personal bond in the sum of Rs.1,00,000/- (Rupees One Lakh only) with one solvent surety in the like amount to the satisfaction of the trial Court/committal Court.

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 will cooperate in the investigation/trial, as the case may be;
- 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/her 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/she 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 the trial Court/Investigating Officer, as the case may be.

Learned State counsel is directed to send an e-copy of this order to the Station House Officer of the concerned Police Station for information and necessary action.

E- copy of this order be sent to the trial Court concerned for compliance, if possible, by the office of this Court.

Certified copy as per rules.