

Dilip Singh Gurjar Vs State Of Madhya Pradesh

Court: Madhya Pradesh High Court (Gwalior Bench)

Date of Decision: Oct. 9, 2023

Acts Referred: Code Of Criminal Procedure, 1973 " Section 309, 439

Indian Penal Code, 1860 " Section 34, 294, 365, 506

Madhya Pradesh Dakaiti Aur Vyapharan Prabhavit Kshetra Adhiniyam, 1981 " Section 11, 13

Hon'ble Judges: Sanjeev S Kalgaonkar, J

Bench: Single Bench

Advocate: Shishupal Singh Gurjar, Rohit Shrivastav

Final Decision: Allowed

Judgement

Sanjeev S Kalgaonkar, J

This first bail application has been filed by applicant under Section 439 of the Code of Criminal Procedure, 1973 for grant of bail in connection with

Crime No.647 of 2014, registered at Police Station Bahodapur, District Gwalior (M.P.) for offence punishable under Sections 365, 294, 506/34 of IPC

and Section 11/13 of MPDVPK Act.

As per the case of prosecution, on 26/07/2014 around 9:00 PM, accused Samrath Singh armed with country-made gun (katta) reached Oil Mill of

Rajesh Shrivastava at Shankarpura. Other accused Raghuraj Singh Gurjar, Mansingh Gurjar and Dilip Singh Gurjar also went along-with Samrath

Singh. All the four accused abused Rajesh Shrivastava in filthy language for the reason of non-payment of money of purchase of mustard from local

agriculturists. All the accused manhandled Rajesh Shrivastava and forcefully abducted in a car. Upendra Singh and Meera Jatav were workers of the

Oil Mill attempted to intervene but accused Samrath Singh threatened them with country-made gun. Samrath Singh and his associates had taken

Rajesh Shrivastava in their black car. On such allegations, Police Station Bahodapur registered FIR in Crime No.647/2014 for offence punishable

under Sections 365, 294, 506, 34 of IPC and Section 11/13 of MPDVPK Act. On completion of investigation, charge-sheet was filed on 31.12.2015

showing the applicant to be absconding; however, the applicant could be arrested as late as on 26-08-2023 and ever since he is in custody.

Learned counsel for the applicant, in addition to the grounds mentioned in the application, submits that the applicant has falsely been implicated in the

matter for the reason he is son of another accused Raghuraj. He has never intimated about the FIR and allegation against him. He has not absconded

rather he was cultivating the crops on his agricultural land in village Sihaipura. No incriminating article is recovered from the possession of applicant.

Charge sheet has been filed. No custodial interrogation of applicant is required. Main accused Samrath Singh has been acquitted by the trial Court.

There is no likelihood of interfering with the investigation or tampering with the evidence. The trial would take time to complete. Therefore, applicant

may be extended the benefit of bail.

Per contra, learned Counsel for the State opposes the bail application and citing three criminal cases against him, therefore, the applicant may not be

extended the benefit of bail.

In reply, learned counsel for the applicant submits that applicant has been acquitted in two of the matters and he has been released on bail in the third

matter. He has never been convicted.

Heard learned counsel for the parties and perused the case diary. 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. Thus, the application is allowed.

Accordingly, it is directed that the applicant Dilip Singh Gurjar shall be released on bail in connection with Crime No.647/2014 registered at Police

Station Bahodapur, District Gwalior (M.P.) for offence punishable under Sections 365, 294, 506/34 of IPC and Section 11/13 of MPDVPA Act, upon

furnishing a personal bond in the sum of Rs. 50,000/- (Rupees Fifty Thousand Only) with one solvent surety of the same amount to the satisfaction of

the Trial Court, for compliance with the following conditions :

1. The applicant shall remain present on every date of hearing as may be directed by the concerned Court;
2. The applicant shall not commit or get involved in any offence of similar nature;
3. The 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 investigating officer;
4. The applicant shall not directly or indirectly attempt to tamper with the evidence or allure, pressurize or threaten the witness;
5. The applicant shall ensure due compliance of provisions of Section 309 of Cr.P.C regarding examination of witness in attendance;

This order shall be effective till the end of trial. However, in case of breach of any of the pre-condition of bail, it shall become ineffective without

reference to the Court.

CC as per rules.