
(2018) 09 MP CK 0012

Madhya Pradesh High Court (Gwalior Bench)

Case No: Misc. Criminal Case No. 33232 Of 2018

Subodh @ Brijkishore Sharma

APPELLANT

Vs

State Of Madhya Pradesh

RESPONDENT

Date of Decision: Sept. 4, 2018

Acts Referred:

- Indian Penal Code, 1860 - Section 370A
- Human Trafficking Act, 2005 - Section 3, 4, 5, 7
- Code of Criminal Procedure, 1973 - Section 439

Hon'ble Judges: Sheel Nagu, J

Bench: Single Bench

Advocate: V.P.S. Tomar, Avinesh Singh

Judgement

The applicant has filed this fourth repeat bail application u/S 439, Cr.P.C. for grant of bail after rejection of earlier one on merits by order dated

18.06.2018 passed in M.Cr.C. No.19333/2018 with liberty to the applicant to repeat his prayer for bail after recording of complete testimony of

prosecution witnesses B.S. Raghuwanshi. Â

The applicant has been arrested by Police Station Maharjpura, District Gwalior in connection with Crime No.91/2017 registered in relation to the

offences punishable u/Ss. 370(A) of IPC r/W Sec 3, 4, 5 and 7 of Human Trafficking Act. Learned Public Prosecutor for the State opposed the

application and prayed for its rejection by contending that on the basis of the allegations and the material available on record, no case for grant of bail

is made out.

It is informed by learned counsel for the petitioner that B.S. Raghuwanshi PW-1 whose examination was left incomplete was examined subsequently on 28.08.2017 and 14.12.2017. It is further submitted that statements of PW-7 and PW-8 have also been recorded on 24.07.2017 and the said statements are on record mentioning the name of said witnesses.

Considering the fact that the applicant is in custody since 23.02.2017 and that the early conclusion of the trial is a bleak possibility and prolonged pre-trial detention is anathema to the concept of liberty and that there are no criminal antecedents of the applicant and the material placed on record does not disclose the possibility of the applicant fleeing from justice, this Court is though inclined to extend the benefit of bail to the applicant but with certain stringent conditions in view of nature of offence.

Accordingly, 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.50,000/- (Rs. Fifty Thousand) with two solvent sureties, each of Rs.25,000/-, to the satisfaction of the concerned trial 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 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.
7. The applicant shall mark his attendance before the trial Court copy of this order forthwith to be sent to the Court concerned for compliance.

C.c. as per rules.