

M.Cr.C.No.9441/2012

04.01.2013

Shri A.K. Saraswat, learned Counsel for the applicant.

Shri Deepak Rawal, learned Govt. Advocate for the respondent/State.

By this application filed under Section 439 of the Cr.P.C. applicant Sundarlal S/o Mohanlal has moved the application for grant of bail being implicated in Crime No.51/2012 registered by police station Ringnod, Ratlam for offence under Sections 302, 452, 323/34 of the IPC and 3(2)(5) SC/ST Act.

Counsel for the applicant has vehemently urged the fact that it is a case of false implication. Moreover, under identical circumstances co-accused Dilip @ Laxminarayan has already been granted bail by this Court in M.Cr.C.No.9016/2012 since the eye-witnesses Deepak(PW/1), Dr. Ajay Rathore (PW/2), Govind (PW/3), Pushpabai (PW/4), Arvind (PW/5), Babulal (PW/6), Radha (PW/7) Sonu Chouhan (PW/8) and Ashok (PW/9) have turned hostile in Court and they have not supported the prosecution case. Counsel submitted that the entire prosecution case is demolished. Hence Counsel prayed for grant of bail since the applicant has been arrested on 11.03.2012.

Counsel for the respondent/State, on the other hand, has opposed the submissions of the Counsel for the applicant and has submitted that the applicant was fully implicated in the matter. He, however, candidly admitted that under identical circumstance co-accused Dilip @ Laxminarayan has already been granted bail. Counsel prayed for dismissal of the application.

On considering the above submissions, the impugned order and material available in the case diary and looking to the nature of allegations and fact that the applicant is in jail since 11.03.2012, I find that the application needs to be allowed in the interest of justice. The application is, therefore,, allowed.

However, stringent measures need to be imposed, therefore, it is ordered that the applicant be released on bail on his furnishing a bail bond for a sum of **Rs.25,000/-** (*Rupees Twenty Five Thousand only*) with one surety of like amount to the satisfaction of the Trial Court for his appearance before the concerned Trial Court on all dates of hearing as may be fixed by the Trial Court in this behalf during the pendency of trial.

By way of abundant caution, it is further directed that he shall also mark his presence in the

concerned police station on the **first Sunday** of every month between 10.00 a.m. to 12.00 noon during pendency of the trial. Any default in attendance in court and marking presence in the concerned police station, would result in cancellation of bail granted by this Court thereby entitling the police to take the applicant in custody immediately.

It is also directed that the applicant shall abide by all the conditions enumerated under Section 437(3) of the Cr.P.C.

Cc. as per rules.

(Mrs. S.R. Waghmare)
Judge

Jyoti