

Tinku Vs. State of M.P.**30/05/2013**

Shri Ankit Saxena, Advocate for the applicant.

Shri B.K. Sharma, P.L. for the respondent/ State.

Case Diary is perused.

Learned counsel for the rival parties are heard.

The applicant has filed this first application u/S 439, Cr.P.C. for grant of bail. The applicant has been arrested by Police Station Saraichola, District Morena in connection with Crime No. 144/2012 registered in relation to the offences punishable u/Ss. 307, 398, 147, 148, 149, 336, 294, 341, 427 of IPC, section 25, 27 of Arms Act and section 11,13 of MPDVPK 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.

Considering the fact that the applicant is in custody since 31.12.2012 and charge-sheet has been filed and looking to the nature of offence where large number of people including co-accused and the applicant had gathered at the police station to deprive the police authorities from possession of the seized articles and in matter of this nature impulse plays more important role than intent and no one was seriously hurt in the entire incident and similarly placed co-accused have since been enlarged on bail, therefore, this Court though is inclined to extend the benefit of bail to the applicants, but with certain stringent condition in view of nature of the offence.

Accordingly, this application is allowed and it is directed that the applicant be released on bail on his furnishing a personal bond in the sum of Rs.50,000/- (Rs. Fifty Thousand only) with two solvent sureties in the like amount to the satisfaction of the concerned Trial Court.

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

1. The applicant will comply with all the terms and conditions of the bonds 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 appear and mark his attendance once in a fortnight before the trial Court concerned.

A copy of this order be sent to the Court concerned for compliance.

C.c. as per rules.

(Sheel Nagu)
V.Judge.