

Rajju @ Enkash Vs. State of M.P.30.4.2014

Shri Sunil Soni, Advocate for the applicant.

Shri B.R. Pandey, PP for the respondent/State.

Heard on the bail application.

Perused the case diary

This is the 1st bail application under Section 439 of Cr.P.C.

The applicant has been arrested in Crime No. 145/2013 registered at Police Station, Khaniyadhana District Shivpuri under Sections 392 of IPC and under Section 11/13 of MPDVPK Act.

As per prosecution case complainant had gone to jungel for grazing his goats. At about one pm two persons came and caught hold of the complainant. They tied his hands and legs closed his eyes with the help of one Patti and put some leaves in his mouth. Thereafter he freed himself and narrated the incident to Chowkidar. The complainant also stated in the FIR that he would identify the persons and also his goats. During investigation, it was stated that his goats were also missing.

Learned counsel for the applicant submits that the applicant has not committed any offence, he is not named in the FIR and he has not been identified in the TIP. Applicant is in custody since 8.2.2014 and till will take time. The other co-accused Santosh has been granted bail by this vide order dated 23.4.2014 passed in M.Cr.C. No. 2184/2014. Applicant is also entitled for grant of bail on the ground of parity.

The application is opposed by learned Public Prosecutor.

Considering the facts and circumstances of the case and looking to the ground of parity, but without commenting on the merit of the case, the application is allowed. It is directed that the applicant shall be released on bail on his furnishing personal bond in the sum of Rs.50,000/- (Rupees Fifty Thousand Only) with one solvent surety in the like amount to the satisfaction of 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.

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

C.c. as per rules.

(D.K.Paliwal)

Judge

dcs