

**29.05.2014**

Shri Ravindra Singh, Advocate, for applicant.

Shri Devendra Choubey, Public Prosecutor, for the respondent/ State.

Heard.

This is the first bail application filed by the applicant under Section 439 of the Cr.P.C. for grant of bail.

Crime No.28/10 has been registered at Police Station Barohi, district Bhind (M.P.) for the offences punishable under Section 392 of IPC and Section 11/13 of M.P.D.V.P.K.Act.

Applicant/accused Ravindra @ Neeraj remained absent on 15.6.2011 and an application was filed for exemption on 21.9.2011. It was stated that as he was absent, therefore production warrant was issued. On 15.12.2011 he was produced before the Court. On 24.2.2012 it was stated that in compliance of order No.2391 dated 22.12.2011, accused was released. On 24.2.2012, non-bailable warrant was issued against the applicant. Pursuant to that he was produced on 10.3.2014 before the Court. The learned Special Judge, vide order dated 29.4.2014 passed in Crime No.28/10 rejected the application on the ground that the applicant misused the conditions of the bail earlier granted.

On behalf of the applicant, this application has been filed to grant the bail stating that he has been in custody for having been arrested in other case, therefore, no deliberate breach of

condition of bail.

On behalf of the State, it is submitted that more than 11 cases have been registered against the applicant.

Keeping in view that the applicant was in custody in another case, his appearance before the learned Trial Court could have been condoned. The applicant remained absent without any malafide. Keeping in mind, the considerable time for disposal of the criminal case, the present application is allowed and it is directed that the applicant shall be released on bail on his furnishing a personal bond in a sum of **Rs.50,000/- (Rs. Fifty Thousand only)** with one surety in the like amount to the satisfaction of the trial Court for securing his presence before the said Court on all the dates of hearing fixed in this regard during trial.

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 themselves 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 they are accused;
5. The applicant will not seek unnecessary

M.Cr.C.No. 4147/2014 ( Ravindra @ Neeraj Vs. State of M.P.)  
3

adjournments during the trial; and

6. In case of any breach of any of the conditions above the learned Trial Court would be at liberty to reconsider on the question of bail.

Certified copy as per rules.

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(Sushil Kumar Palo)  
Vacation Judge