

Holi Singh @ Narendra Vs. State of M.P.**28.8.2014**

Shri M.L.Yadav, Advocate for the applicant.

Ms. Nutan Saxena, PP for the respondent/State.

Heard.

This is first bail application under Section 439 of Cr.P.C. The applicant has been arrested in Crime No.438/2013 registered at Police Station, Ambah, District Morena, under Sections 436, 506 Part II of IPC.

It is submitted by learned counsel for the applicant that applicant was earlier on bail. He was facing the trial. On 4.6.2014 the applicant became absent, hence non-bailable warrant has been issued against him. The applicant has been arrested in pursuance of the non-bailable warrant and the applicant is in custody since 27.7.2014, hence prayed for bail.

The prayer is opposed by learned Public Prosecutor.

From the order passed by the Court below it appears that on 4.6.2014 the prosecution witnesses Ram Prakash, Dharmendra, Shailendra and Bobby were present for giving their statements. It is also mentioned that it was informed to the Court that accused is threatening the witnesses. Considering that the applicant was earlier on bail and due to absence, he is in custody since for about one month and assuring that in future he shall attend the Court regularly, hence 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.1,00,000/- (Rupees One lac Only) with two solvent sureties of Rs.50,000/- each 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.

Learned trial Court is directed to initiate the proceedings under Section 446 of Cr.P.C. for forfeiture of the personal and surety bonds. It is made clear that in future if the applicant does not appear and the prosecution witnesses are present, then this order shall be automatically deemed to be cancelled.

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

C.c. as per rules.

(D.K.Paliwal)
Judge