

M.Cr.C.No.933/2015 (Mukesh Kushwah Vs. State of M.P.)

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31.1.2015.

Shri Pawan Kumar, Advocate for the applicant.

Ms. Nutan Saxena, Public Prosecutor for the respondent/State.
Heard.

Perused the case diary.

This is first bail application under section 439 of Cr.P.C.

The applicant has been arrested in connection with Crime No.16/2015 registered at Police Station, Janakganj, District Gwalior, for the offence punishable under Sections 399, 402 of IPC, Sections 25,27 of the Arms Act and Sections 11,13 of the MPDVPK Act.

As per prosecution case, the applicant alongwith the co-accused was making preparation for committing dacoity. One knife has been seized from the possession of the applicant.

Learned counsel for the applicant submits that applicant has falsely been implicated in the case. He has not committed any offence. The applicant is in custody since 5.1.2015 and trial is likely to take time. In such premises, applicant prayed for bail.

The prayer is opposed by learned Public Prosecutor submitting that one more case of the year 2010 under Sections 294, 506/34 of IPC has been registered against the applicant.

Considering the facts and circumstances of the case and keeping in view the arguments of learned counsel for the applicant, but without expressing any view on the merits of the case, this 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/-

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(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.

**(Sushil Kumar Gupta)
Judge**

ms/-