

M.Cr.C. No.6735/2015

(Sachin Vs. State of M.P.)

31.08.2015

Shri Ravindra Singh, Advocate for applicant.

Shri B.K. Sharma, Public Prosecutor for Respondent/State.

Case Diary is perused.

Learned counsel for the rival parties are heard.

The applicant has filed this repeat bail application u/S 439, Cr.P.C. for grant of bail. The applicant has been arrested by Police Station Pathariya, District Vidisha in connection with Crime No.32/2015 registered in relation to the offences punishable u/Ss. 302 & 201 of IPC.

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.

Applicant is in custody since 10.04.2015, chargesheet has been filed and the investigation is pending, where allegation of murder is alleged against the applicant and the co-accused. The evidence which links the applicant to the crime is the last seen evidence. The applicant was last seen at the Dhaba having drinks with the deceased Gajju. The body of the deceased was found on the next day. There are no eye-witnesses. Post-mortem report discloses multiple injuries as the cause of death. The confessional statement of the applicant recorded u/S 27 of the Evidence Act is another piece of implicative evidence collected against the applicant, the early conclusion of the trial is a bleak possibility and prolonged pre-trial detention is anathema to the concept of liberty and the material placed on record does not disclose the possibility of the applicant fleeing from justice, this Court is inclined to extend the benefit of bail to the applicant but with certain stringent conditions in view of gravity of offence.

Accordingly, without expressing any opinion on merits of the

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case, this application is allowed and it is directed that the applicant be released on bail on furnishing a personal bond in the sum of **Rs.1,00,000/- (Rs. One Lac only)** with two solvent sureties of **Rs. 50,000/-** each, to the satisfaction of the concerned 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.
7. The applicant will mark his attendance before the concerned trial Court once a week.

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

C.c. as per rules.

(Sheel Nagu)
Judge

sh/-