

M.Cr.C. No. 11405 Of 2015

31.12.2015

Shri Nilesh Dave, learned counsel for the applicant.

Shri Romesh Dave, learned Dy. GA for the respondent/State.

This is first application under Section 439 of Cr.P.C. The applicant has been arrested in Crime No.461/2015 registered at Police Station, Excise Department Malwa Mill, District Indore, for the offence punishable under Section 34(1) & 34(2) of the M.P. Excise Act.

As per prosecution case, 85.5 bulk litre of country made liquor has been seized from the possession of the applicant, for which, she was not having any license.

It is submitted by learned counsel for the applicant that applicant has not committed any offence. She has falsely been implicated. Husband of the applicant is handicapped and no one is there to look-after her husband. Applicant is a woman and is under custody since 06/12/15. Conclusion of trial likely to take time, hence prayed for bail.

The prayer is opposed by learned Dy. GA for the respondent/State.

Case-diary perused.

Taking into consideration the allegation against the applicant coupled with the fact that applicant is a woman and there is no criminal antecedents, but without commenting anything on the merits of the case, the application is allowed. It is directed that the applicant shall be released on bail on her 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 :-

The applicant will comply with all the terms and conditions of the bond executed by them;

The applicant will cooperate in the investigation/trial, as the case may

be;

The applicant will not indulge herself in extending inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to the Police Officer, as the case may be;

The applicant shall not commit an offence similar to the offence of which she is accused;

The applicant will not seek unnecessary adjournments during the trial; and

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)
Vacation Judge

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