

(Shiv Singh Vs. State of MP)**31.03.2017**

No one appears for the rival parties, presumably because of the call given by the Bar Council of India to the Advocates to abstain from the Court work.

Case Diary is perused.

The applicant has filed this 1st application u/S 439, Cr.P.C. for grant of bail. The applicant has been arrested by Police Station G.R.P. Gwalior District Chowki Morena in connection with Crime No.101/2013 registered in relation to the offences punishable u/Ss 379 and 356 of IPC and Sec 414, 201 and 392 of IPC with Sec 11/13 of M.P.D.V.P.K Act.

The applicant is in custody since 17.02.2017. Though applicant has no criminal antecedents, but he has been arrested recently on 17.02.2017 in connection with the offence committed sometime in 2013. It is seen from the record that the co-accused Shiv Singh had been granted bail on 19.09.2016 in M.Cr.C. No. 10443/16 by taking into consideration the fact that initially the offence of theft was alleged whereafter the offence of M.P.D.V.P.K. Act was added and therefore applicant was arrested.

The said co-accused had been enlarged on bail by order dated 19.06.2016. Though the case of the co-accused is similar to the applicant, but considering the fact that applicant was a fence sitter who was absconding awaiting for the outcome of the bail application of the co-accused Shiv Singh. He has recently been arrested on his surrender and therefore release of the applicant immediately after his arrest will be deleterious to the progress of trial.

Accordingly, the present 1st bail application is hereby rejected with liberty to the applicant to repeat his prayer for bail after examination of principal prosecution witnesses or in case trial gets further delayed for reasons not attributed to the applicant.

(Sheel Nagu)
Judge

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