

**30/6/17**

Shri Rajmani Bansal, Advocate for the petitioner.

Shri A.S.Yadav, Panel Lawyer for the State.

Case Diary is perused.

Learned counsel for the rival parties are heard.

The petitioner has filed this 8<sup>th</sup> repeat application u/S. 439 of Cr.P.C. for grant of bail after rejection of earlier one on merits and as well as with liberty to come again after examination of remaining eye-witnesses by order dated 25/5/2017 in Mcrc.No.5279/17.

The petitioner has been arrested on 4/1/2015 by Police Station Civil Line, District Morena (M.P.) in connection with Crime No.94/11, registered in relation to the offences punishable u/Ss. 302, 147, 148, 149 and 307 of I.P.C.

Learned Panel Lawyer 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.

New ground raised in this repeat application is prejudice on account of delayed trial since it is submitted that the petitioner despite being in custody for about 2 years and 6 months, only one PW has been examined on 11/4/2016 whereafter not a single PW has come forth.

Though the petitioner is the main accused, but considering the period of custody his right to speedy trial enshrined in Art. 21 of the Constitution *prima facie* appears to be breached.

Considering the above facts and that the material placed on record does not disclose the possibility of the petitioner fleeing from justice, this Court though is inclined to extend the benefit of bail to the petitioner but with certain stringent conditions looking to the gravity of the offence.

Accordingly, without expressing any opinion on merits of the case, this application is allowed and it is directed that the petitioner be

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released on bail on furnishing a personal bond in the sum of **Rs.1,00,000/- (Rs. One Lac only) with two solvent sureties each of Rs. 50,000/-**, to the satisfaction of the concerned Trial Court.

This order will remain operative subject to compliance of the following conditions by the petitioner :-

1. The petitioner will comply with all the terms and conditions of the bond executed by him;
2. The petitioner will cooperate in the investigation/trial, as the case may be;
3. The petitioner 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 petitioner shall not commit an offence similar to the offence of which he is accused;
5. The petitioner will not seek unnecessary adjournments during the trial; and
6. The petitioner will not leave India without previous permission of the trial Court/Investigating Officer, as the case may be.
7. The petitioner shall mark his appearance before the trial court once fortnight.

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

**(Sheel Nagu)**  
**Judge**

**(Bu)**