

**MCRC-5485-2017**

*(BUDDHA Vs THE STATE OF MADHYA PRADESH)*

**29-05-2017**

Shri Rajesh Yadav, learned counsel for the applicant.

Shri Abhishek Soni, learned Dy. Govt. Advocate for the respondent/State.

Heard with the aid of case diary.

This is a first application under Section 439 Cr.P.C for grant of bail in connection with Crime No.228/2011 registered at Police Station Amjhera, District Dhar for the offences punishable under Sections 279, 337 and 338 of IPC.

Brief facts of the case are that the applicant facing trial before the JMFC, Sardarpur in Criminal Case No.1379/11 for the offence punishable under Section 279, 337 and 338 of IPC. Earlier, the appellant had been released on bail by the trial Court, but during trial, he did not appear before the trial Court on 24.01.2013, therefore, trial Court forfeited the bail bonds and issue warrant against the appellant for securing his presence before the trial Court. On 05.05.2017, the police produced the applicant before the Court and applicant filed an application under Section 437 of Cr.P.C, which was rejected by the trial Court and his application under Section 439 of Cr.P.C. was also rejected by the learned ASJ, Dhar vide order dated 19.05.2017.

Learned counsel for the applicant submits that the appellant had gone to Gujarat for labour work so he could not appear before the Court. He has been falsely implicated in the offence. The applicant is in custody since 05.05.2017

and the conclusion of trial would likely to take long time, hence prayed for release of the applicant on bail.

On the other hand, learned counsel for the respondent/State opposed the prayer and submitted that sufficient evidence is available to connect the accused/applicant with the offence in question.

After hearing learned counsel for the parties, considering the facts and circumstances of the case and as to the fact applicant is in custody since 05.05.2017 trial will take time, without commenting on the merits of the case, the application is allowed and the applicant is directed to be released on bail upon his furnishing personal bond in the sum of **Rs.50,000/-** (Rs. Fifty Thousand Only) with one surety in the like amount to the satisfaction of the concerned trial Court for his appearance before the trial Court on all such dates as may be fixed in this behalf by the trial Court during the pendency of trial.

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 fact 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;
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 on payment of usual charges.

**(RAJEEV KUMAR DUBEY)**  
**JUDGE**