

HIGH COURT OF MP BEHCN AT INDORE

MCRC No.51964/2018

Ajay vs. The State of M.P.

Indore: Dated:-31.12.2018

Shri Rohit Shinde, learned counsel for the petitioner.

Smt. Archana Kher, learned Public Prosecutor for the respondent/State.

Heard with the aid of case diary.

O R D E R

1. This is first bail application under Section 439 of Cr.P.C. in connection with Crime No.199/2018 under Section 302, 407, 414, and 397 of IPC registered at Police Station-Maheshwar, District-Khargon.

2. As per prosecution story, a Blue Colour Tractor of Farm-track Company bearing registration number MP-10 AA-6195 is owned by Surendra Singh. On 18.05.2016 at 08.45 PM complainant Sachin son of Surendra Singh asked his Driver Antar Singh to deliver 25 quintals of “Dollar Chana” at Dhamnod Mandi; at 10.00 PM, complainant called his Driver to find out his whereabouts, but his call was not answered. The said fact was informed by the complainant to his father. They went to Dhamnod Mandi to find out Driver Antar Singh and tractor loaded with goods, but their efforts were in vain. Thereafter, a report was lodged at Police Station, Maheshwar for an offence punishable under Section 407 of the Indian Penal Code, 1860. During investigation, on 19.05.2018, dead body of Driver Antar Singh was found under Dhamnod *Puliya* and injuries were also seen on his body.

3. It is submitted by the learned counsel for the petitioner that co-accused persons Satish, Ashik and Fakru have already been granted bail by this Court and the present petitioner has complete parity with them. The petitioner is in custody since 01.06.2018. Therefore, he may be granted bail.

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5. The Public Prosecutor has opposed the bail application. However, She has not controverted the parity with the co-accused persons.

6. In view of the arguments advanced by the learned counsel for the petitioner, allegations made against him, I deem it proper to release the accused on bail. Therefore, without commenting on merits of the case, the application is allowed.

7. It is directed that the **petitioner Ajay** be released from custody on his furnishing a personal bond in the sum of **Rs.30,000/- (Rupees Thirty thousand)** with one solvent surety of the like amount to the satisfaction of the Trial Court for his appearance before the Trial Court as and when required further subject to the following conditions:-

(i) The petitioner shall co-operate with the trial and shall not seek unnecessary adjournments on frivolous grounds to protract the trial;

(ii) The petitioner shall not directly or indirectly allure or make any inducement, threat or promise to the prosecution witnesses, so as to dissuade them from disclosing truth before the Court;

(iii) The petitioner shall not commit any offence or involve in any criminal activity;

(iv) In case of his involvement in any other criminal activity or breach of any other aforesaid conditions, the bail granted in this case may also be cancelled.

(Virender Singh)
V. Judge

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