

HIGH COURT OF MADHYA PRADESH**MCRC No.35473/2019****(Lokendra @ Udham Singh Vs The State of M.P.)****Gwalior, Dated :30.08.2019**

Shri Sushil Goswami, learned counsel for the applicant.

Shri K.P.S.Sengar, learned Panel Lawyer for the State.

The applicant has filed this first bail application u/S.439, Cr.P.C. for grant of bail.

The applicant has been arrested by Police Station Goraghat, District Datia in connection with Crime No.13/2019 registered in relation to the offence punishable u/Ss. 364, 307, 395, 397, 325 of IPC and Section 11/13 of MPDVPK Act.

Learned counsel for the applicant submits that the applicant has not committed any offence. The applicant has been falsely implicated. The appellant is in custody since 21.05.2019. The charge sheet has been filed. The trial will take its own time. It is further submitted that co-accused Man Singh Yadav has already been enlarged on bail by this Court vide order dated 19.08.2019 passed in M.Cr.C.No.31592/2019. There is no possibility of his absconding or tampering with the prosecution case. Under these circumstances, counsel for the applicant prays for grant of bail to the applicant and seeks parity.

Learned Panel Lawyer for the State opposed the application on the ground that there is named FIR against the applicant and the applicant is a habitual offender. Hence, Panel Lawyer for the State

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prayed for rejection of the application.

Heard learned counsel for the parties and perused the case diary.

Considering the pretrial detention, the facts and circumstances of the case, without expressing any opinion on the merits of the case, the application is allowed.

It is hereby directed that the applicant shall be released on bail on his furnishing a personal bond of **Rs.75,000/- (Rupees Seventy Five Thousand Only)** with one solvent surety in the like amount to the satisfaction of the Trial Court/Committal Court to appear before the Court on the dates given by the concerned Court.

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 acquitted 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;
4. The applicant will not seek unnecessary adjournments during

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the trial;

5. The applicant will not leave India without previous permission of the trial Court/Investigating Officer, as the case may be; and

6. The applicant shall not commit an offence similar to the offence of which he is accused;

A copy of this order be sent to the Court concerned for compliance as well as copy of the order be given to the learned Panel Lawyer with a direction to keep the same in the concerned case diary.

Certified copy as per rules.

(Rajeev Kumar Shrivastava)

Judge

AK/-



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