

The High Court Of Madhya Pradesh

MCRC-32717-2019

(AKASH KORI Vs THE STATE OF MADHYA PRADESH)

Jabalpur, Dated : 30-08-2019

Shri Jafar Khan, learned counsel for the applicant.

Shri C.B. Singh, learned Govt. Advocate for the respondent/State.

Heard. Perused the case diary.

This is the first bail application filed by the applicant under Section 439 of the Cr.P.C. for grant of bail in connection with Crime No.301/2019 registered at P.S. Surkhi, District - Sagar (M.P.) for the offence punishable under section 34(2) of M.P. Excise Act.

As per the prosecution story, 72 bulk litres of illicit liquor has been seized from the possession of the applicant.

Learned counsel for the applicant submits that the applicant is innocent and he is in custody since 29.07.2019. It is further submitted that the applicant is the first offender and no other criminal case has been registered against him. Charge-sheet has been filed and trial will take time to conclude. There is no likelihood of applicant absconding and tampering with the prosecution evidence and his further custody is not required in this case. On the aforesaid grounds, prayer is made to release the applicant on bail.

Learned Government Advocate opposing the submissions made on behalf of the applicant has prayed for rejection of the bail application. However, he fairly admits that no other case has been registered against the applicant.

Looking to the facts and circumstances of the case alongwith the fact that no other criminal case has been registered against the applicant, this application is allowed without commenting anything on the merits of the case. It is ordered that the applicant/accused be released on bail on his furnishing a personal bond for the sum of **Rs.60,000/- (Rs. Sixty Thousand Only)** with a solvent surety in the like amount to the satisfaction of the trial court for securing his presence before the said Court on all the dates of hearing fixed in

this regard during 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 trial;
- (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;
- (4) The applicant shall not commit any offence during the entire period of bail;
- (5) The applicant will not seek unnecessary adjournments during the trial;
- (6) The applicant will not leave India without previous permission of the trial Court;
- (7) The applicant shall inform the trial Court about his address and residence in case he moves out from his permanent address for any point of time; and
- (8) The applicant shall not contact any of the other accused persons in this case in any manner whatsoever.

This order shall remain effective till the end of the trial but in case of bail jump and breach of any of the pre-condition of bail, it shall become ineffective and cancelled without reference to this Bench.

Certified copy as per rules.

(AKHIL KUMAR SRIVASTAVA)
JUDGE

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