

THE HIGH COURT OF MADHYA PRADESH

M.Cr.C. No.21023/2021

(Satyaprakash Kori vs. The State of Madhya Pradesh)

Jabalpur, Dated 30.06.2021

Shri Shashank Upadhyaya, counsel for the petitioner.

Shri Satish Pateriya, Panel Lawyer for the respondent/State.

ORDER

Crime	Under Section	Police Station	Date of Arrest
132/2021	34(2) of M.P. Excise Act	Kotwali District Tikamgarh	04.02.2021

As declared by the petitioner, this is the second bail application under Section 439 of Cr.P.C. for grant of bail.

2. The first application was dismissed as withdrawn vide order dated 17.03.2021 passed in M.Cr.C. No.10027/2021.

2. It is the case of the prosecution that Sub-Inspector Chandan Singh of Police Chowki Khiriya of police station Kotwali District Tikamgarh, received information on 11.02.2021 at about 8:40 P.M. that the petitioner along with another two accused persons is terrorizing people along with two other persons by waivering pistol in the air.

3. Acting on this information Sub-Inspector Chandan Singh reached on the spot and found that three persons were sitting in a Swift Dezire Car bearing No.MP 36 C 4202. Petitioner and co-accused

Manish Parashar were taken into custody. Two-two live cartridges of 315 bore were recovered from the petitioner.

5. Learned counsel for the petitioner submits that the co-accused has been enlarged on bail vide order dated 17.03.2021 passed in M.Cr.C. No.10027/2021.

6. Learned Panel Lawyer submitted that no criminal antecedents of the petitioner is available in the case diary.

7. Learned counsel for the petitioner made statement at Bar that the petitioner has no criminal antecedents.

8. On due consideration of the nature and gravity of the allegations made against the petitioner, the evidence available on record and other facts and circumstances of the case, I deem it a fit case to enlarge the petitioner on bail. Therefore, without commenting on the merits of the case the petition is allowed.

9. It is directed that the **petitioner-Satyaprakash Kori** be released from custody on his furnishing a personal bond in the sum of **Rs.25,000/-** (Rupees Twenty Five Thousand Only) with one solvent surety 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 him 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.

10. However, it is made clear that before releasing the petitioner on bail the trial Court shall verify the criminal antecedents of the petitioner and if it is found that the petitioner is having criminal antecedents then this order would automatically loose its effect without further reference to the Court and the trial Court shall not be under obligation to release the petitioner on bail.

(Virender Singh)

JUDGE

Loretta

**LORETTA
A RAJ**

Digitally signed by LORETTA RAJ
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