

1
**IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE**

**BEFORE
HON'BLE SHRI JUSTICE PREM NARAYAN SINGH**

ON THE 31st OF JULY, 2023

MISC. CRIMINAL CASE No. 30356 of 2023

BETWEEN:-

**KHEMLIYA S/O SHRI HEMLIYA CHOUHAN, AGED
ABOUT 39 YEARS, OCCUPATION: AGRICULTURIST
GRAM BADI UTAWALI DISTRICT ALIRAJPUR (MADHYA
PRADESH)**

.....APPLICANT

(SHRI AKASH SHARMA, LEARNED COUNSEL FOR THE PETITIONER .

AND

**THE STATE OF MADHYA PRADESH STATION HOUSE
OFFICER THROUGH POLICE STATION SONDWA,
DISTRICT ALIRAJPUR (MADHYA PRADESH)**

.....RESPONDENTS

***(SHRI GAURAV RAWAT APPEARING ON BEHALF OF ADVOCATE
GENERAL.***

.....
*This application coming on for admission this day, the court passed the
following:*

ORDER

They are heard and perused the case diary.

This is first application under Section 439 of Code of Criminal Procedure, 1973 filed by the applicant for grant of bail. The applicant has been implicated in connection with Crime/F.I.R.No.95/2023 registered at Police Sondwa District- Alirajpur (M.P.) for the offences under Sections 302, 201/34 IPC, 1860. The applicant is in jail since 09.04.2023.

2. Allegation against the applicant is that he alongwith the co-accused persons has committed murder of the deceased. Hence, the police has

implicated the present applicant.

4. Learned counsel for the applicant submitted the applicant is innocent and has been falsely implicated in the present crime. It is further submitted that the police has implicated the applicant on the on basis of statement of co-accused recorded under Section 27 of the Evidence Act and there is no direct or indirect evidence to connect the appellant with the present offence. It is further submitted that main allegations are against co-accused Dingriya. The applicant is in jail since 09.04.2023 and final conclusion of trial will take considerable time. Therefore, it has been prayed that the applicant be released on bail pending the trial.

5. On the other hand, learned counsel for the State has opposed the prayer.

6. Having taken into consideration all the facts and circumstances of the case and the fact that conclusion of trial will take considerable time, I am inclined to release the applicant on bail. Consequently, without commenting on the merits of the case, bail application under Section 439 of the Code of Criminal Procedure for grant of bail filed on behalf of applicant, stands **allowed.**

7. It is directed that applicant be released on bail on his furnishing a personal bond in the sum of **Rs.50,000/- (Rupees Fifty thousand only)** with one solvent surety in the like amount to the satisfaction of the trial Court, for his regular appearance before the trial Court during trial with a condition that he shall remain present before the concerned Court on all the dates fixed by it during trial. He shall abide by all the conditions enumerated under Section 437(3) of Cr.P.C.

8. This order shall be effective till the end of the trial. However, in case of bail jump and breach of any of the conditions of bail, it shall become ineffective.

Certified copy as per rules.

(PREM NARAYAN SINGH)
JUDGE

amit

