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**IN THE HIGH COURT OF MADHYA PRADESH  
AT GWALIOR**

**BEFORE  
HON'BLE SMT. JUSTICE SUNITA YADAV  
ON THE 5<sup>th</sup> OF FEBRUARY, 2024  
MISC. CRIMINAL CASE No. 4655 of 2024**

**BETWEEN:-**

**DHARMENDRA S/O KHILAN AHIRWAR, AGED 25  
YEARS, R/O VILLAGE LAMNIYA, TEHSIL AND P.S.  
DEHAT BASODA, VIDISHA (MADHYA PRADESH)**

**.....APPLICANT**

**(BY SHRI DEVANSH MISHRA - ADVOCATE)**

**AND**

**THE STATE OF MADHYA PRADESH THROUGH POLICE  
STATION TYONDA DISTRICT VIDISHA (MADHYA  
PRADESH)**

**.....RESPONDENT**

**(BY SHRI ROHIT SHARIVASTAVA - PANEL LAWYER)**

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

**ORDER**

This is the first application filed by the applicant under Section 439 of the Cr.P.C. for grant of bail relating to Crime No.304 of 2023 registered at Police Station Tyonda, District Vidisha (M.P.) for the offence under Section 457 and 380 of IPC.

Learned counsel for the applicant argued that the applicant is innocent and has been falsely implicated. It is further argued that the applicant is in custody since 06.12.2023. After conclusion of investigation, charge-sheet has already been filed, therefore, there is no requirement of further custodial interrogation of the applicant. Co-accused Sumit @ Chotu Sharma has already

been granted bail by this Court by order dated 19.1.2024 passed in MCRC No.1444 of 2024 and case of the present applicant is in parity with co-accused. Applicant is permanent resident of District Vidisha (M.P.) and there is no possibility of his absconsion or tempering with prosecution case. On these grounds, he prays for grant of bail to the applicant.

Per contra, learned Panel Lawyer for the respondent/State vehemently opposed the bail application by citing criminal history and prayed for its rejection.

Heard learned counsel for the rival parties and perused the case diary available on record.

Considering the facts and circumstances of the case, but without expressing any opinion on merits of the case, this application is **allowed** and it is directed that the applicant be released on bail on furnishing a personal bond in the sum of **Rs.1,00,000/- (Rupees One Lakh Only)** with one solvent surety in the like amount to the satisfaction of the trial Court/committal 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 acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to the Police Officer, as the case may be;
- 4) **The applicant will not commit any other offence or will not repeat the offence in future. In case, if he/she is found involving in the offence of same nature, this bail**

**order shall stand cancelled automatically without further reference to the Bench.**

5) The applicant will not seek unnecessary adjournments during the trial; and

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

**7 ) The applicant shall mark his presence before the SHO of the concerning police station in the first week of every month till conclusion of the trial.**

Learned State counsel is directed to send an e-copy of this order to the Station House Officer of the concerned Police Station for information and necessary action.

E- copy of this order be sent to the trial Court concerned for compliance, if possible, by the office of this Court.

Certified copy as per rules.

AK/-

**(SUNITA YADAV)  
JUDGE**