

(2020) 02 MP CK 0119

In the Madhya Pradesh High Court

Case No : Miscellaneous Criminal Case No. 548 Of 2020

Lakhan Alias Ramlakhan Mali

APPELLANT

Vs

State Of Madhya Pradesh

RESPONDENT

Date of Decision : 20-02-2020

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 439

Indian Penal Code, 1860 — Section 34, 148, 149, 294, 302, 307, 324, 323

Citation : (2020) 02 MP CK 0119

Hon'ble Judges : Sheel Nagu, J

Bench : Single Bench

Advocate : Rahul Chouhan, Arjun Parihar

Final Decision : Allowed

Judgement

Learned counsel for the rival parties are heard.

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

The petitioner has been arrested on 16.07.2019 by Police Station Manpur, District Sheopur (M.P.) in connection with Crime No.91/2019 registered in

relation to the offence punishable u/Ss.148, 149, 302, 307, 294, 34, 324, 323 of IPC.

Learned Panel Lawyer for the State opposed the application and prayed for its rejection by contending that on the basis of the allegations and the

material available on record, no case for grant of bail is made out.

Murder is alleged against the petitioner who is in custody since 16.07.2019.

It is submitted that all the main witnesses including eyewitnesses have been examined except investigating officer. Release of the petitioner would not

be at the risk of influencing prosecution case.

Considering the above facts and that early conclusion of the trial is bleak possibility and prolonged pre-trial detention is anathema to the concept of liberty and the material placed on record does not disclose possibility of the petitioner fleeing from justice, this Court is though inclined to extend the benefit of bail to the petitioner but with certain stringent condition looking to the criminal antecedents.

Accordingly, without expressing any opinion on merits of the case, this application is allowed and it is directed that the petitioner be released on bail on furnishing a personal bond in the sum of Rs.50,000/- (Rs. Fifty Thousand only) with two solvent sureties each of Rs. 25,000/-to the satisfaction of the concerned Trial Court.

This order will remain operative subject to compliance of the following conditions by the petitioner :-

1. The petitioner will comply with all the terms and conditions of the bond executed by him;
2. The petitioner will cooperate in the investigation/trial, as the case may be;
3. The petitioner 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 petitioner shall not commit an offence similar to the offence of which he is accused;
5. The petitioner will not seek unnecessary adjournments during the trial; and
6. The petitioner will not leave India without previous permission of the trial Court/Investigating Officer, as the case may be.
7. The petitioner shall mark his presence before the trial court once every fortnight till conclusion of trial.

A copy of this order be sent to the trial Court concerned for compliance.

Certified copy as per rules.