

**(2021) 12 MP CK 0046**

**In the Madhya Pradesh High Court**

**Case No :** Miscellaneous Criminal Case No.60213 Of 2021

Rahul Prajapati And Others

APPELLANT

Vs

State Of Madhya Pradesh

RESPONDENT

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**Date of Decision :** 15-12-2021

**Acts Referred:**

Code Of Criminal Procedure, 1973 — Section 439  
Indian Penal Code, 1860 — Section 394

**Citation :** (2021) 12 MP CK 0046

**Hon'ble Judges :** Rajeev Kumar Shrivastava, J

**Bench :** Single Bench

**Advocate :** Dharendra Singh, Ravindra Singh Kushwa

**Final Decision :** Allowed

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## **Judgement**

Rajeev Kumar Shrivastava, J

This is first application under Section 439 of CrPC for grant of bail. The applicants have been arrested on 02/11/2021 in connection with Crime No.388/2021 registered at Police Station Myana, District Guna for offence under Section 394 of IPC.

It is submitted by learned counsel for applicants Rahul Prajapati and Shivam Prajapati that the applicants have been falsely implicated. They have not committed any offence. They are the neighbours of the complainant and are in job at same place. Some money is required to be repaid by the complainant to the present applicants, therefore, this false case has been registered. It is further submitted that the applicants are in custody since last more than a month. Investigation and thereafter trial will take long time to conclude. Hence, prayed for grant of bail to the applicants.

Per contra, learned State counsel opposed the bail application and has submitted that around Rupees Forty Thousand has been recovered from the possession of the applicants. Hence, prayed to reject the bail application.

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

Considering the arguments advanced by learned counsel for the rival parties, without commenting upon the merits of the case, the application is allowed and it is hereby directed that the applicants be released on bail on each of them furnishing a personal bond in the sum of Rs.1,00,000/- (Rs. One Lakh Only) with one surety in the like amount to the satisfaction of the Trial Court/Committal Court for his regular appearance before the Court on the dates given by the concerned 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/her;
2. The applicant will cooperate in the investigation/trial, as the case may be;
- 3 . The applicant will not indulge herself/himself in extending inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or to the Police Officer, as the case may be;
4. The applicant shall not commit an offence of which he is accused;
- 5 . The applicant will not move in the vicinity of complainant party and applicant will not seek unnecessary adjournments during the trial;
6. The applicant will not leave India without previous permission of the trial Court/Investigating Officer, as the case may be Application stands allowed and disposed of.

E- copy of this order be sent to the trial Court concerned for Compliance.

Certified copy/ e-copy as per rules/direction.