

(2021) 10 MP CK 0071

In the Madhya Pradesh High Court

Case No : Miscellaneous Criminal Case No.53601 Of 2021

Shailendra Singh @ Shailu Singh

APPELLANT

Vs

State Of M.P

RESPONDENT

Date of Decision : 29-10-2021

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 439

Indian Penal Code, 1860 — Section 188

Madhya Pradesh Rajya Suraksha Adhiniyam, 1990 — Section 14

Citation : (2021) 10 MP CK 0071

Hon'ble Judges : G.S. Ahluwalia, J

Bench : Single Bench

Advocate : P.S. Bhadoriya, B.M. Shrivastava

Final Decision : Allowed

Judgement

G.S. Ahluwalia, J

This is first application filed under Section 439 of Cr.P.C. for grant of bail.

The applicant has been arrested on 27.09.2021 in connection with Crime No.437/2021 registered by Police Station Porsa, District Morena for offence punishable under Sections 188 of IPC and Section 14 of Rajya Suraksha Adhiniyam.

It is submitted by the counsel for the applicant that an order of externment was passed against applicant on 13.10.2020 with a direction to the applicant to remove himself from the limits of District of Morena and the adjoining Districts, namely, Gwalior, Bhind, Sheopur and Shivpuri for a period of one year. It is submitted that according to the prosecution case, the applicant was found within Morena District, and accordingly, he was taken into custody and he is in jail from 27.09.2021 i.e. for last one month. The life of the externment order has already come to an end as it was only effective till 12.10.2021. The trial is likely to take sufficiently long time and there is no possibility of his absconding or tampering

with prosecution case.

Per contra, the application is opposed by the counsel for the respondent/State. It is submitted by Shri Shrivastava that applicant has a criminal history.

Heard the learned counsel for the parties.

Considering the facts and circumstances of the case and without commenting on the merits of the case, the application is allowed. It is directed that the applicant be released on bail on furnishing a personal bond in the sum of Rs.1,00,000/- (Rs.One Lac Only) with one surety in the like amount to the satisfaction of the Trial Court/Committal Court to appear before the Court on the dates given by the concerned Court.

This order shall remain effective till the end of the trial but in case of bail jump, it shall become ineffective.

In the light of the judgment passed by the Supreme Court in the case of Aparna Bhat & Ors. vs. State of M.P. passed on 18/3/2021 in Criminal Appeal No.329/2021, the intimation regarding grant of bail be sent to the complainant.

Certified copy as per rule.