

(2024) 04 MP CK 0133

In the Madhya Pradesh High Court

Case No : Miscellaneous Criminal Case No. 15248 Of 2024

Shivam@Chhotu Kushwah

APPELLANT

Vs

State Of Madhya Pradesh

RESPONDENT

Date of Decision : 16-04-2024

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 439
Indian Penal Code, 1860 — Section 34, 294, 307

Citation : (2024) 04 MP CK 0133

Hon'ble Judges : Sunita Yadav, J

Bench : Single Bench

Advocate : Keshav Kushwah, Rajeev Upadhyay

Final Decision : Allowed

Judgement

Sunita Yadav, J

This is the first application filed by the applicant under Section 439 of the Cr.P.C. for grant of bail relating to FIR No. 0169 of 2024 registered at Police Station Gwalior, District Gwalior (M.P.) for the offence under Sections 294, 307 and 34 of IPC.

Learned counsel for the applicant argued that the applicant is innocent and has been falsely implicated. No role has been attributed on him of firing gunshot at the complainant. As per prosecution story, he was simply hurling abuses. It is further argued that applicant is in custody since 20.3.2024. Nothing has to be seized from the possession of the applicant, therefore, there is no requirement of further custodial interrogation of the applicant. Further argument is that applicant is the permanent resident of District Gwalior (M.P.) having no criminal antecedents and there is no possibility of his absconsion or tampering with the prosecution evidence. On these grounds, he prays for grant of bail to the applicant.

O n the other hand, learned State counsel opposed the application 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.50,000/- (Rupees Fifty Thousand only) along 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/her;
- 2) The applicant will cooperate in the investigation/trial, as the case may be;
- 3) The applicant will not indulge himself/herself 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 shall not commit an offence similar to the offence of which he/she is accused;
- 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.

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.