
(2019) 11 MP CK 0189

In the Madhya Pradesh High Court

Case No : Miscellaneous Criminal Case No. 48697 Of 2019

Shyamu @ Shyam Singh Tomar

APPELLANT

Vs

State Of Madhya Pradesh

RESPONDENT

Date of Decision : 23-11-2019

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 439

Indian Penal Code, 1860 — Section 370A

Immoral Traffic (Prevention) Act, 1956 — Section 3, 4, 5, 7

Citation : (2019) 11 MP CK 0189

Hon'ble Judges : Vishal Mishra, J

Bench : Single Bench

Advocate : Pradeep K. Shrivastava, Sanjay Bahirani

Final Decision : Allowed

Judgement

This is third bail application u/S.439 Cr.P.C. filed by the applicant for grant of bail.

Applicant has been arrested on 09.06.2019 by Police Station Maharajpura, District Gwalior (M.P.) in connection with Crime No.227/2019 registered in relation to the offence punishable u/Ss. 370-A of IPC and Sections 3, 4, 5 and 7 of the Immoral Traffic (Prevention) Act, 1956.

It is alleged by counsel for the applicant that the applicant has been falsely implicated in the matter and he has not committed any offence in any manner. The first bail application was dismissed as withdrawn by this Court vide order dated 01.07.2019 passed in M.Cr.C.No.26071/2019 with liberty to repeat after challen is filed. The second bail application was rejected on merits by this Court vide order dated 22.08.2019 passed in M.Cr.C.No.33385/2019. The applicant is not the owner of the house in question, rather he is only working as a employee there in the capacity of director. No specific allegation is against the present applicant with respect to offences punishable under Sections 3, 4, 5 & 7 of the Immoral Traffic (Prevention) Act, 1956. It is further submitted that co-accused Brajesh Singh Tomar has already been enlarged on bail by this Court vide order

dated 13.11.2019 passed in M.Cr.C.No.46682/2019 and case of applicant is similar to that of Brajesh Singh Tomar. The applicant is in custody since 09.06.2019. There is no possibility of his absconding or tampering with the prosecution evidence. Under these circumstances, counsel for the applicant prays for grant of bail to the applicant and seeks parity.

Learned Public Prosecutor for the State opposed the application and prayed for dismissal of the application, but could not differentiate the case of applicant from Brajesh Singh Tomar.

Considering the facts and circumstances of the case and co-accused Brajesh Singh Tomar has already been enlarged on bail and applicant's case is in parity, 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/- (Rs.One Lac Only) with one solvent surety in the like amount to the satisfaction of the concerned trial 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 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 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.
7. The applicant shall mark his presence before the concerning Police Station in the first week of every month till conclusion of investigation (pending if any) and if charge sheet is being filed, he will mark his presence as per the directions issued by the concerning trial Court.
8. In case the applicant indulges himself in any other offences, then the bail granted by this Court shall stand cancelled automatically.

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

Certified copy as per rules.