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**IN THE HIGH COURT OF MADHYA PRADESH  
AT GWALIOR**

**BEFORE  
HON'BLE SMT. JUSTICE SUNITA YADAV  
ON THE 19<sup>th</sup> OF APRIL, 2024**

**MISC. CRIMINAL CASE No. 12762 of 2024**

**BETWEEN:-**

1. **KARUA S/O SHRI BANWARILAL KUSHWAH, AGED ABOUT 20 YEARS, R/O VILLAGE BIJOLIPURA P.S. MATA BASAIYA DISTRICT MORENA M.P. (MADHYA PRADESH)**
  
2. **BALIRAM S/O SHRI KANHAIYA KUSHWAH, AGED ABOUT 35 YEARS, R/O VILLAGE BIJOLIPURA, POLICE STATION MATA BASAIYA, MORENA (MADHYA PRADESH)**

**.....APPLICANT**

***(SHRI TAJUDDIN KHAN, LEARNED COUNSEL FOR THE PETITIONER).***

**AND**

**THE STATE OF MADHYA PRADESH INCHARGE POLICE STATION R/O THROUGH POLICE STATION AMBAH DISTRICT MOREAN M.P. (MADHYA PRADESH)**

**.....RESPONDENTS**

***(SHRI PPS VAZEETA - P.P.- APPEARING ON BEHALF OF ADVOCATE GENERAL).***

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*This application coming on for admission hearing this day, the court passed the following:*

**ORDER**

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. 778 of 2023 registered at Police Station Ambah, District Morena (M.P.) for the offence under Sections 457, 380 of IPC.

Learned counsel for the applicant argued that applicant is an innocent person

and has been falsely implicated. He further argued that applicant is the only earning member of his family. It is further submitted that stolen articles have already been seized. The case is triable by JMFC. The applicant is in custody since 31/01/2024. Investigation stands completed by filing of the charge sheet and further custodial interrogation of the applicant may not be required. The applicant is permanent resident of District Morena. Conclusion of trial is likely to take time and there is no likelihood of his absconsion, if released on bail. On these grounds, he prays for grant of bail to the applicant.

Per contra, learned counsel for the State vehemently opposed the bail application citing criminal antecedents and prayed for its dismissal.

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. 1,00,000/- (Rupees One Lakh Only) with two local solvent sureties** in the like amount to the satisfaction of the 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/her from disclosing such facts to the Court or to the Police Officer, as the case may be;
- 4 ) The applicant will not commit any other offence or

will not repeat the offence in future. In case, if he/she is found involving in the offence of the same nature, this bail order shall stand cancelled automatically without further reference to the Bench.

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 appear and mark his attendance before the SHO of the police station concerned once in First week of every month at 10 Am till conclusion of the trial, failing which, this bail order shall stand cancelled automatically without further reference to this Court.**

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.

सत्यमेव जयते

**(SUNITA YADAV)  
JUDGE**

Durgekar