

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

BEFORE

HON'BLE SMT. JUSTICE SUNITA YADAV

ON THE 19th OF APRIL, 2024

MISC. CRIMINAL CASE No. 14721 of 2024

BETWEEN:-

**CHOTE SINGH S/O SHRI SHISHUPAL SINGH
BHADORIYA, AGED ABOUT 28 YEARS, R/O GRAM
AKLONI TEHSIL GORMI JILA BHIND M.P (MADHYA
PRADESH)**

.....APPLICANT

(BY SHRI ANURAG SHARMA - ADVOCATE)

AND

**THE STATE OF MADHYA PRADESH INCHARGE POLICE
STATION THROUGH POLICE STATION AABKARI VRIT
MEHGAO DISTRICT BHIND M.P (MADHYA PRADESH)**

.....RESPONDENT

(BY SHRI RAJEEV UPADHYAY - PUBLIC PROSECUTOR)

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

ORDER

This is **first** application filed by the applicant under Section 439 of the Cr.P.C. for grant of bail relating to FIR No.265 of 2020 registered at Police Station Excise Circle, Mehgaon, District Bhind (M.P.) for the offence under Section 34(1)(Cha), 34(2), 49(A) of M.P. Excise Act.

Learned counsel for the applicant argued that the applicant is innocent and has been falsely implicated on the memorandum of co-accused. It is further submitted that co-accused has already been granted bail in M.Cr.C.No.22739/2021 by order dated 08.05.2021. Liquor has not been seized

from the possession of the applicant. Applicant is in custody since 01.04.2024. Charge-sheet has already been filed, therefore, custodial interrogation is no required any more. Hence, he prays for grant of bail to the applicant.

Per contra, learned counsel for the State vehemently opposed the bail application and prayed for dismissal of present bail application.

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)** with a solvent surety 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/her/themselves;
- 2) The applicant will cooperate in the investigation/trial, as the case may be;
- 3) The applicant will not indulge himself/herself/themselves 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 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 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;
- 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.

mani



**(SUNITA YADAV)
JUDGE**