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

**BEFORE
HON'BLE SMT. JUSTICE SUNITA YADAV
ON THE 30th OF NOVEMBER, 2023
MISC. CRIMINAL CASE No. 39277 of 2023**

BETWEEN:-

**SOURABH CHATURVEDI S/O LATE SHRI KHARGENDRA
CHATURVEDI, AGED ABOUT 30 YEARS, OCCUPATION:
LABOUR NEAR SHAHEED CHOWK WARD NO 13
HOUSINGH BOARD COLONY BHIND (MADHYA
PRADESH)**

.....APPLICANT

(BY MR. RAM KISHOR SHARMA - ADVOCATE)

AND

**THE STATE OF MADHYA PRADESH INCHARGE POLICE
STATION THROUGH POLICE STATION CITY KOTWALI
DISTRICT BHIND MP (MADHYA PRADESH)**

.....RESPONDENT

(BY MR. ALOK SHARMA - PANEL LAWYER)

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

ORDER

This is the fifth repeat application filed by the applicant under Section 439 of the Cr.P.C. for grant of bail relating to FIR No.58 of 2022 registered at Police Station City Kotwali, District Bhind (M.P.) for the offence under Sections 384, 388, 347, 323, 294, 120-B and 34 of IPC. Earlier bail applications of the applicant were dismissed.

Learned counsel for the applicant argued that the applicant is innocent and has been falsely implicated. In this case, evidence of complainant Ravindra (PW-1), Ajay (PW-2), Devendra (PW-3), Rashmi Sikarwar (PW-4), Ramakant

(PW-5), Jai @ Golu (PW-6) and Ravi Singh Jadoun (PW-7) have already been recorded. It is further argued that Hon'ble Apex Court in SLP (Cri.) No. 3492/2023 has disposed of the petition with a direction that petitioner (applicant - Sourabh) is at liberty to renew his application for bail after statement of material witnesses are recorded. In this case, abovementioned witnesses have been examined, however, complainant Ravindra (PW-1), Ajay (PW-2) and Devendra (PW-3) have not supported the case of the prosecution in respect to present applicant. Further argument is that applicant is in custody since 17.2.2022. He is the permanent resident of District Bhind (M.P.) and there is no possibility of her absconsion or tampering with the prosecution evidence. Co-accused Praveen Sharma has already been granted bail by Co-ordinate Bench of this Court in MCRC No.28974/2023 by order dated 26.7.2023. Under these circumstances, when the complainant himself has not supported the case of the prosecution in respect to the present applicant so also in view of the fact that material prosecution witnesses have been examined, applicant is entitled to get benefit of bail.

Per contra, learned counsel for the State vehemently opposed the bail application 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 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 any offence during pendency of the trial, failing which, 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.

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.

(SUNITA YADAV)
JUDGE

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