

Dagdu vs The State Of Madhya Pradesh on 20 August, 2024

Author: Vishal Dhagat

Bench: Vishal Dhagat

NEUTRAL CITATION NO. 2024:MPHC-JBP:41215

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IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR
BEFORE
HON'BLE SHRI JUSTICE VISHAL DHAGAT
ON THE 20th OF AUGUST, 2024
MISC. CRIMINAL CASE No. 34912 of 2024
DAGDU
Versus
THE STATE OF MADHYA PRADESH
Appearance:
Shri Basant Raj Pandey - Advocate for applicant.
Shri Shiv Kumar Shrivastava - Govt. Advocate for respondent.

ORDER

This is the first bail application filed under Section 483 of Bhartiya Nagrik Suraksha Sanhita, 2023 on behalf of applicant for grant of regular bail relating to FIR No.249/2023, registered at Police Station Lalbagh, District Burhanpur (M.P.) for the offence punishable under Sections 4, 5, 9 of MP govansh Vadh Pratishedh Adhiniyam, 2004, Section 46A of MP Excise Act and Section 109 of IPC.

2. Learned counsel appearing for applicant submitted that applicant is in jail since 18.06.2024. He is innocent and has falsely been implicated in the case. It is submitted that co-accused persons namely Gufran Ahmad has been enlarged on bail vide order dated 10.07.2024 in M.Cr.C.No.26172/2024 and Hussain has been enlarged on bail vide order dated 05.08.2024 in M.Cr.C.No.28128/2024. Investigation is complete and charge-sheet has been filed. In these circumstances, applicant may be enlarged on bail.

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3. Learned Government Advocate appearing for the respondent/State opposed the bail application.

4. Heard the counsel for the parties.

5. Punishment prescribed for violating provision of MP Govansh Vadh Pratishedh Adhiniyam, 2004 is one year, which may extend to seven years with fine not less than Rs.5000/-. Penalty prescribed is

seven years. Investigation in the case is complete and charge-sheet has been filed.

6. Considering aforesaid circumstances of the case, without commenting on the merits of the case, bail application filed by the applicant is allowed with condition that applicant will mark his presence before local police station once each month. It is directed that applicant shall be released on bail on furnishing a bail bond in the sum of Rs.50,000/- (Rupees Fifty Thousand Only) with one solvent surety in the like amount to the satisfaction of the trial court for his regular appearance before Court on all such dates as may be fixed in this regard.

7. The applicant shall also abide by the following conditions of Section 480 (3) of B.N.S.S. as under:-

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter;

(b) that such person shall not commit any offence similar to the offence of which the is accused, or suspected of the commission of which they are suspected and;

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case as to dissuade them from disclosing such facts NEUTRAL CITATION NO. 2024:MPHC-JBP:41215 3 MCRC-34912-2024 to the Court or to any police officer or tamper with the evidence.

8. Certified copy as per rules.

(VISHAL DHAGAT) JUDGE nd