

# Dadu@Shivshankar Sharna vs The State Of Madhya Pradesh on 27 January, 2025

NEUTRAL CITATION NO. 2025:MPHC-GWL:1596

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IN THE HIGH COURT OF MADHYA PRADESH  
AT GWALIOR  
BEFORE  
HON'BLE SHRI JUSTICE RAJENDRA KUMAR VANI  
ON THE 27<sup>th</sup> OF JANUARY, 2025  
MISC. CRIMINAL CASE No. 2459 of 2025  
DADU@SHIVSHANKAR SHARMA  
Versus  
THE STATE OF MADHYA PRADESH  
Appearance:  
Shri Hemant Singh Rana - Advocate for the applicant.  
Shri Dinesh Savita - Public Prosecutor for the respondent.

## ORDER

1. This is second application filed by the applicant under Section 483 of BNSS, 2023/439 of Cr.P.C, for grant of bail relating to Crime No.66/2023 registered at Police Station Gijorra, District Gwalior (M.P.) for the offence punishable under Sections 307, 341, 506, 34, 302, 120-B, 193 of IPC.

2. Allegation against the present applicant is that he has committed murder of the deceased Mohan Baghel.

3. Learned counsel for the applicant submits that applicant is innocent and has been falsely implicated in the case. He is in custody since 09.07.2023. First bail application of the applicant was dismissed as withdrawn with liberty to file application under Section 483 of BNSS (439 of CrPC) for regular bail before the trial Court vide order dated 21.10.2024 passed in M.Cr.C.No.33371/2024 as that was erroneously submitted before this Court. In fact an interim bail application was filed before the learned trial Court instead of application for regular bail, therefore, this Court directed the present applicant to file regular bail application before the trial Court. Hence, factually this is first bail application for regular bail.

NEUTRAL CITATION NO. 2025:MPHC-GWL:1596 2 MCRC-2459-2025 It is further submitted that two eye witnesses namely Babulal Kushwah (PW-5) and Ajeet (PW-6) have been examined before the trial Court and they did not support the case of prosecution and have turned hostile. They did not identify the present applicant. There is no other important evidence against the present applicant. It is further submitted that CDR is there but no particular witness of CDR is there. CDR itself does not establish the guilt against the present applicant. Though FSL report is awaited as regards the blood stain on the baka, but that alone also is of no importance. No DNA has been

conducted. There is no criminal antecedents against the present applicant. Applicant is the permanent resident of District Gwalior (M.P.). There is no chance of his absconsion and tampering with the prosecution evidence. Applicant is ready and willing to abide by all the terms and conditions which may be imposed by this Court. Conclusion of trial will take time. On these grounds, learned counsel prays for grant of bail to the applicant.

4. Per contra, learned counsel for the State opposed the bail application and prayed for its rejection.

5. Heard learned counsel for the parties and perused the case-diary.

6. Considering the submissions advanced by learned counsel for the parties as well as 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 a solvent surety in the like amount to the satisfaction of the trial Court/committal Court.

7. 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 NEUTRAL CITATION NO. 2025:MPHC-GWL:1596 3 MCRC-2459-2025 the bond executed by him;

2) The applicant will co-operate 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 is found involved 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.

8. Copy of this order be sent to the trial Court concerned for compliance. Certified copy as per rules.

(RAJENDRA KUMAR VANI) JUDGE Monika