

Gheesa Banjara @ Gheesaram Banjara vs The State Of Madhya Pradesh Thr on 29 October, 2018

The High Court of Madhya Pradesh
MCRC 40827/2018
(Gheesa Banjara Vs. State of M.P.)

Gwalior dated 29.10.2018

Ms. Rekha Kushwah, Advocate for the petitioner.

Shri Ajay Bhargava, Public Prosecutor for the
respondent/State.

Case diary is perused.

Learned counsel for the rival parties are heard. This is 1st application u/S. 439 Cr.P.C. filed by the petitioner for grant of bail under the offence of attempt to murder where no one has been injured. Petitioner is alleged with use of firearm.

The petitioner has been arrested on 30.04.2015 by Police Station Aron, District Gwalior (MP) in connection with Crime No. 29/2015, registered in relation to the offences punishable u/Ss. 307 of IPC, Section 25/27 of Arms Act and Section 11/13 of MPDVPK Act.

Learned Public Prosecutor for the State opposed the application and prayed for its rejection by contending that on the basis of the allegations and the material available on record, no case for grant of bail is made out.

Counsel for the petitioner submits that the petitioner has been acquitted from the offence of attempt to murder and rendered judgment of acquittal dated 29.06.2018 of division Bench in criminal appeal No. 423/2009. Copy of which is annexed with the petition.

State counsel further states that the petitioner has some more offences registered alleged against him.

Considering the nature of offence which is of attempt to murder and in absence of any injury inflicted and looking to the period of custody which is two and half years, this Court is inclined to grant bail to the petitioner but with certain stringent conditions in view of criminal antecedents.

Accordingly, without expressing any opinion on the merits of the case, this application is allowed and it is directed that the petitioner be released on bail on furnishing a personal The High Court of Madhya Pradesh (Gheesa Banjara Vs. State of M.P.) bond in the sum of Rs.50,000/- (Rs. Fifty Thousand Only) with two solvent sureties in the like amount to the satisfaction of the concerned trial Court.

This order will remain operative subject to compliance of the following conditions by the petitioner :-

1. The petitioner will comply with all the terms and conditions of the bond executed by him;
2. The petitioner will cooperate in the investigation/trial, as the case may be;
3. The petitioner 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 petitioner shall not commit an offence similar to the offence of which he is accused;
5. The petitioner will not seek unnecessary adjournments during the trial; and
6. The petitioner will not leave India without previous permission of the trial Court/Investigating Officer, as the case may be.
7. The petitioner will mark his attendance before the concerned trial Court once a fortnight.

A copy of this order be sent to the Court concerned for compliance.

C.c. as per rules.

(Sheel Nagu) Judge neetu NEETU SHASHANK 2018.10.30 05:19:42 -07'00'