

# Nahar Singh vs The State Of Madhya Pradesh on 15 February, 2024

**Author: Prem Narayan Singh**

**Bench: Prem Narayan Singh**

1  
IN THE HIGH COURT OF MADHYA PRADESH  
AT INDORE  
BEFORE  
HON'BLE SHRI JUSTICE PREM NARAYAN SINGH  
ON THE 15<sup>th</sup> OF FEBRUARY, 2024  
MISC. CRIMINAL CASE No. 5353 of 2024

BETWEEN: -  
NAHAR SINGH S/O BHANDJI, AGED ABOUT 22 YEARS,  
OCCUPATION: AGRICULTURIST VILLAGE KATLA,  
TEHSIL SAILANA, DIST. RATLAM (MADHYA PRADESH)

(SHRI NILESH SHARMA, LEARNED COUNSEL FOR THE PETITIONER .

AND  
THE STATE OF MADHYA PRADESH STATION HOUSE  
OFFICER THROUGH POLICE STATION SHIVGARH, DIST.  
RATLAM (MADHYA PRADESH)

(SHRI AJAY JAIN, LEARNED COUNSEL FOR THE RESPONDENT [COMP]&  
SHRI SURENDRA GUPTA APPEARING ON BEHALF OF ADVOCATE  
GENERAL.

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

ORDER

1. Heard and perused the record.

2. This first bail application has been filed on behalf of the applicant under Section 439 of the Code of Criminal Procedure for grant of bail relating to Crime No. 301/2023 dated (not mentioned), registered at Police Station- Shivgarh, District-Ratlam (M.P.) for the offence under Sections 361, 364 of IPC. The applicant is in custody since 05.01.2024.

3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in this case. It is further submitted that the applicant is husband of the complainant and they both have three children. The complainant has lodged the complainant alleging kidnapping of her child. Though they are not legally wedded, but in earlier case, DNA was matched with the

applicant, but he has been acquitted in the said matter vide judgment dated 14.10.2023 passed in SC No.35/2019 by Special Judge, Ratlam. It is also submitted that now, the complainant has no objection if the applicant is granted bail. The applicant is in jail since 05.01.2024 and final conclusion of trial will take sufficient long time. Under these circumstances, counsel prays for grant of bail to the applicant.

4. On the other hand, learned counsel for the State opposed the prayer and prayed for its rejection. However, counsel for the objector has no objection if the applicant is granted bail.

5. After hearing learned counsel for the parties and looking to the facts and circumstances of the case as well as custody period of the applicant, I am of the view that it is a case in which applicant may be released on bail. Consequently without commenting on the merits of the case, bail application under Section 439 of the Code of Criminal Procedure for grant of bail filed on behalf of applicant, stands allowed.

6 . It is directed that the applicant/accused be released on bail on his furnishing a personal bond in the sum of Rs.50,000/- (Fifty Thousand only) with one solvent surety in the like amount to the satisfaction of the trial Court for securing his presence before the said Court on all the dates of hearing fixed in this regard during trial. It is also directed that the applicant shall comply with the provisions of Section 437(3) of the Cr.P.C.

7. This order shall be effective till the end of the trial. However, in case of bail jump and breach of any of the conditions of bail, it shall become ineffective.

Certified copy as per rules.

(PREM NARAYAN SINGH) JUDGE amit