

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

BEFORE

HON'BLE SHRI JUSTICE ANAND PATHAK

ON THE 9th OF SEPTEMBER, 2022

MISC. CRIMINAL CASE No. 33719 of 2022

BETWEEN:-

**CHARAN SINGH S/O HALKURAM
AHIRWAR, AGED - 40 YEARS,
OCCUPATION: KRASHI AND LABOUR
R/O SAIJI THANA SHADORA
ASHOKNAGAR (MADHYA PRADESH)**

.....APPLICANT

(BY SHRI AKSHAT JAIN AND MUKESH SHARMA - ADVOCATE)

AND

**THE STATE OF MADHYA PRADESH
THROUGH POLICE STATION
SHADORA ASHOKNAGAR (MADHYA
PRADESH)**

.....RESPONDENT

(BY SHRI PPS BAZEETA – PUBLIC PROSECUTOR)

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

ORDER

With consent heard finally.

The applicant has filed this fifth bail application u/S.439 Cr.P.C for grant of bail. Applicant has been arrested on 22.11.2020 by Police Station Sadhora, Ashoknagar in connection with Crime No.264/2020 registered for offence punishable under Sections 302, 307, 147, 148 and 149 of IPC.

It is the submission of learned counsel for the applicant that applicant is suffering confinement since 22.11.2020 and suffered more than 22 months of incarceration as pretrial detention and meanwhile material prosecution witnesses / eye-witnesses (total 3 in number) have been examined and therefore, chance of tampering with evidence / witnesses is remote. He fairly submitted that as per allegations, applicant wielded Baka and caused injury to the deceased but deceased was a history-sheeter and was constantly causing embarrassment and harassment to the family members of applicant. Applicant also bears criminal record of three cases but are of minor nature. Looking to the period of custody and status of trial, his case be considered for bail. He undertakes to cooperate in trial and shall not be a source of embarrassment and harassment to the complainant side in any manner and shall not move in their vicinity. He further undertakes to serve the environment / national / social cause voluntarily **to purge his misdeeds, if any**. Thus, prayed for bail.

Counsel for the State opposed the prayer and prayed for dismissal of bail application.

Heard learned counsel for the parties at length and perused the case diary.

Considering the submissions and looking to the period of custody and the status of trial as well as arguments advanced by counsel for the parties, without commenting on the merits of the case, this Court intends to allow this application and it is hereby

directed that the applicant shall be released on bail, on his furnishing personal bond of **Rs.50,000/- (Rupees Fifty Thousand Only)** with one solvent surety of the like amount to the satisfaction of trial 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;
2. The applicant will cooperate 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 them from disclosing such facts to the Court or to the Police Officer, as the case may be;
4. The applicant shall not commit an offence similar to the offence of which he is accused;
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; and
7. Applicant shall mark his presence first week of every month before the Police Station concerned between 10 am to 2.30 pm. till conclusion of trial.
8. Applicant shall not be a source of embarrassment and harassment to the complainant side in any manner and shall not move in their

vicinity.

9. Looking to the undertaking and intent of the applicant and looking to the fact that water is depleting day by day and this area is anticipated to come under Zero Day zone, it is imperative that applicant must install Water Harvesting System or Water Recharge System in his lodge / house in which he is residing, within one month from today, if he has not installed the system already. If he has installed the system already, then he shall have to submit proof and photographs regarding this before the trial Court. Applicant shall seek necessary permission required, if any, in this regard from the concerned departments including Municipal Council of concerned District and authorities shall facilitate and cooperate in this regard for installation of water recharge / harvesting system. Applicant shall have to maintain the said system in future on regular basis. After installation of system, applicant shall submit a report and compliance certificate (if required), as well as photographs in this regard before the concerned trial Court.

This direction is being given by this Court in peculiar fact situation and looking to the intent and desire of the applicant to do some work for the betterment of Environment and Community. It is earnestly expected that this act of applicant would create an atmosphere of awareness in the public regarding water conservation.

It is expected form the appellant that he shall submit photographs by downloading the mobile application (NISARG

App) prepared at the instance of High Court for monitoring the same through satellite / Geo – Tagging / Geo fencing etc.

Copy of this order be sent to the trial Court concerned for compliance from the office of this Court.

Certified copy as per rules / directions.

**(Anand Pathak)
Judge**

Ashish*