

IN THE HIGH COURT OF MADHYA PRADESH
AT GWALIOR

BEFORE

HON'BLE SMT. JUSTICE SUNITA YADAV

ON THE 18th OF DECEMBER, 2023

MISC. CRIMINAL CASE No. 56249 of 2023

BETWEEN:-

1. HIMANSHU SHROTI (SHARMA) S/O SHRI KAMAL SHROTI, AGED ABOUT 25 YEARS, OCCUPATION: STUDENT R/O GHASMANDI MURAR, GWALIOR (MADHYA PRADESH)
2. SUKRAT SHARMA S/O SHRI GIRISH SHARMA, AGED ABOUT 23 YEARS, OCCUPATION: STUDENT T.V. TOWAR SHIVPURI (MADHYA PRADESH)

.....APPLICANT

(SHRI BHANUPRATAP SINGH CHAUHAN, SHRI B.K. SHARMA, SHRI GAURAV MISHRA & SHRI ABHISHEK MISHRA - LEARNED COUNSELS FOR THE PETITIONER).

AND

THE STATE OF MADHYA PRADESH INCHARGE POLICE STATION THROUGH POLICE STATION PADAV, DISTRICT GWALIOR (MADHYA PRADESH)

.....RESPONDENTS

(SHRI ANKUR MODY - AAG- APPEARING ON BEHALF OF ADVOCATE GENERAL).

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

ORDER

This is the **first** application filed by the applicants under Section 439 of the Cr.P.C. for grant of bail relating to FIR No. 730 of 2023 registered at Police Station Padav, District Gwalior (M.P.) for the offence under Sections 395 of IPC and section 11/13 of MPDVPK Act.

Learned counsel for the applicants argued that applicants are innocent

person and have been falsely implicated. He further argued that applicants are law students and are pursuing their studies. Further submission is that the entire act of the applicants is bona fide just to save the life of the person, who suffered cardiac arrest. It is further argued that applicants were travelling in the train, in which, the person namely Ranjeet Singh suffered cardiac arrest before them and the Doctor at Morena advised to admit the said person in some hospital at Gwalior for his medical treatment so that his life can be saved. Therefore, the moment train arrived at Gwalior railway station, the applicants in the state of anxiety and hurry took the vehicle to admit the said person in the hospital for medical treatment. It is further argued that intention behind it was not malafide. The person who suffered cardiac arrest was admitted in the hospital and had died during medical treatment. The vehicle was not taken away or stolen by the applicants for other than to save the life of the said person who was suffering from cardiac arrest and was on the verge of dying. No damage has been caused to the vehicle. The police has already recovered the vehicle, therefore, further custodial interrogation of the applicants may not be required. The applicants have no criminal antecedents. The applicants are in custody since 11/12/2023. The applicants are permanent resident of District Gwalior and Shivpuri. Conclusion of trial is likely to take time and there is no likelihood of their absconsion, if released on bail. On these grounds, he prays for grant of bail to the applicants.

Learned counsel for the State fairly submits that he has no objection in case bail is granted to the present applicants.

Heard learned counsel for the rival parties and perused the case diary available on record.

Considering 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 applicants be released on bail on furnishing personal bond in the sum of **Rs. 50,000/- (Rupees Fifty Thousand Only) each with two local solvent sureties each** in the like amount to the satisfaction of the trial Court.

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

- 1) The applicants will comply with all the terms and conditions of the bond executed by them;
- 2) The applicants will cooperate in the investigation/trial, as the case may be;
- 3) The applicants will not indulge themselves 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 applicants will not commit any other offence or will not repeat the offence in future. In case, if they are found involving in the offence of the same nature, this bail order shall stand cancelled automatically without further reference to the Bench.
- 5) The applicants will not seek unnecessary adjournments during the trial; and
- 6) The applicants will not leave India without previous permission of the trial Court/Investigating Officer, as the case may be.

Learned State counsel is directed to send an e-copy of this order to the Station House Officer of the concerned Police Station for information and necessary action.

E- copy of this order be sent to the trial Court concerned for compliance, if possible, by the office of this Court.

Certified copy as per rules.

Durgekar

(SUNITA YADAV)
JUDGE

