

THE HIGH COURT OF MADHYA PRADESH
M.Cr.C. No. 47642/2018

Jabalpur, Dated 30.11.2018

Shri Sourabh Singh Thakur, learned counsel for the applicant.

Shri K.S. Patel, learned Panel Lawyer for the respondent/State.

This is the **First** application under Section 439 of Code of Criminal Procedure filed on behalf of the applicant for grant of bail in connection with Crime No. 204/2018, registered at Police Station- Hatta, District Damoh for commission of the offence punishable under Section 25/27 of the Arms Act.

As per prosecution case in short is that on 10.05.2018 an information was received by Police Station, Hatta from informer that two persons were armed with country made pistol. Police party reached to the spot and found that the applicant and another accused was sitting on the motor cycle. After seeing the police party, they tried to escape but police party caught hold them. On searching, one country made 315 bore pistol and two live cartridges was found in possession of the applicant without having licence.

Learned counsel for the applicant submits that the applicant is innocent and has falsely been implicated in the present case. The applicant has no connection with the crime. He is in custody since 10.05.2018. Investigation is over and charge-sheet has been filed. He further submits that the other co-accused Ramesh Kushwaha has already been enlarged on bail by the trial Court. Conclusion of the trial will take considerable time, therefore, he prays for grant of bail to the

applicant.

Learned Panel Lawyer for the respondent/State opposes the prayer and submits that the applicant has criminal antecedent, therefore, prayed that the application may be rejected.

Considering the facts and circumstances of the case and the arguments advanced by learned counsel for the applicant, but without commenting on the merits of the case, the application filed by the applicant is allowed. The applicant is directed to be released on bail on his furnishing a personal bond in the sum of **Rs.50,000/- (Rupees Fifty Thousand Only)** with one solvent surety of the like amount to the satisfaction of the trial Court, for his regular appearance before the trial Court during trial with a condition that he shall remain present before the Court concerned during trial and shall also abide by the conditions enumerated under Section 437(3) of Cr.P.C.

This order shall be effective till the end of the trial, however, in case of bail jump, it shall become ineffective.

Certified copy as per rules.

**(Vishnu Pratap Singh Chauhan)
Judge**

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