

THE HIGH COURT OF MADHYA PRADESH**M.Cr.C. No.13243/2021***(Parshuram Jha Versus State of M.P.)*

Gwalior, Dated:-31.3.2021

Heard through Video Conferencing.

Shri Harish Sharma, learned counsel for the applicant.

Shri B.P.S. Chauhan, learned Public Prosecutor for the respondent/State.

Heard the learned counsel for the parties.

The applicant has filed this second application under Section 439 Cr.P.C. for grant of bail. The applicant has been arrested by Police Station Dheerpura, District Datia in connection with Crime No.92/2020 registered in relation to the offence punishable under Sections 25 (1) (A), 25 (1) (B) of Arms Act. First application was dismissed vide order dated 4.1.2021 passed in M.Cr.C.No.53913/2020.

It is submitted by counsel for the applicant that he is in custody since 22.9.2020. It is submitted by counsel for the applicant that investigation is over in the matter and the charge sheet has already been filed on 20.11.2020, therefore, there is no requirement of further custodial interrogation of the applicant. Learned counsel for the applicant submits that the other co-accused Kadar Khan has been enlarged on bail vide order dated 21.12.2020 passed in M.Cr.C.No.51031/2020. Learned counsel for the applicant further submits that the applicant is having no criminal history. He is ready

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to abide by all the terms and conditions as may be imposed by this Court and prays for grant of bail.

Per contra, counsel for the State has opposed the bail application stating that applicant was running a manufacturing unit of making country made weapons by illegal mode. As many as 31 items have been recovered including the country made pistols from the possession of the applicant, but he fairly submits that applicant is the first offender and charge-sheet has been filed on 20.11.2020.

Considering the overall facts and circumstances of the case and looking to the custody period of the present applicant and looking to the nature of offence registered against the present applicant, this Court deems it appropriate to allow this application. **The application is allowed subject to verification of the fact that there is no other criminal case is pending against the applicant.**

The applicant is directed to be released on bail on his furnishing 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 Investigation Officer/trial Court, as the case may be with submission of written undertaking and the applicant will abide by all terms and conditions of the different circulars, orders as well as guidelines issued by the Central Government, State Government as well as Local Administration for maintaining social distancing,

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hygiene etc to avoid Novel Corona Virus (COVID-19) pandemic and he will have to install **Arogya Setu App**, if not already installed.

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 him 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; and
6. The applicant will not leave India without previous permission of the trial Court/Investigating Officer, as the case may be.
7. In case of involvement of the present applicant in any other offence the benefit of bail granted by this Court shall stand cancelled automatically.
8. The applicant will inform the concerned S.H.O. of concerned

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Police Station about his residential address in the said area and it would be the duty of the State counsel to send **E-copy** of this order to SHO of concerned police station as well as concerned Superintendent of Police who shall inform the concerned SHO regarding the same.

Application stands allowed and disposed of.

In view of the COVID-19, jail authorities are directed that before releasing the applicant, medical examination of applicant shall be undertaken by the jail doctor and on prima facie, if it is found that he is having the symptoms of COVID-19, then consequential follow up action including the isolation/quarantine or any test if required, be ensured, otherwise applicant shall be released immediately on bail and shall be given a pass or permit for movement to reach his place of residence.

E-copy/Certified copy as per rules/directions.

(Vishal Mishra)
Judge

*Pawar**