HIGH COURT OF MADHYA PRADESH

M.Cr.C. No. 45926/2020

(ASHISH Vs THE STATE OF MADHYA PRADESH)

PRESENT : HON. SMT. NANDITA DUBEY, J (THROUGH VIDEO CONFERENCING)

Jabalpur, Dated : 16.12.2020

Shri Jafar Khan, learned counsel for the applicant.

Shri Manu V. John, learned Panel Lawyer for the respondent/State.

Heard.

The applicant has filed this first bail application under section 439 of the Cr.P.C. for grant of bail.

The applicant is in custody since 24/10/2020 in connection with Crime No.312/2020 registered at Police Station Makoraniya, District Sagar (M.P.) for the offences punishable under Section 25/27 of Arms Act.

The allegation against the present applicant is that he was found in possession of a country made *Katta* and cartridge, which is without license.

Learned counsel for the applicant submits that the present applicant has been falsely implicated. It is stated that there are no criminal antecedents against him. It is submitted that the *Katta* and cartridge were seized from Akhilesh too. Applicant is in custody since 24.10.2020 and trial would take considerable time to conclude. It is further submitted that the co-accused Akhilesh has been granted bail by this Court on 08.12.2020 in M.Cr.C. No.44789/2020, and prays that the present applicant may also be enlarged on bail.

Learned Panel Lawyer for the respondent/State has vehemently opposed the bail application and prayed for its rejection. However, he fairly submits that the co-accused though arrested on the memorandum of the present applicant but *Katta* and cartridge were also seized from him. It is further submitted that there are no criminal antecedents against the present applicant.

Considering the aforesaid, this application is allowed.

It is directed that applicant **Ashish** shall be released on bail on his furnishing a personal bond in the sum of Rs.50,000/- (Rs. Fifty Thousand only) with one surety in the like amount to the satisfaction of the trial Court for his presence before the said Court on all the dates of hearing fixed in this regard during the trial.

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/her from disclosing such facts to the Court or to the Police Officer, as the case may be;
4. The applicant shall not commit any other offence during pendency of the trial, failing which this bail order shall stand cancelled automatically without further reference to the Bench.
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. The learned concerned Magistrate and the prosecution are directed to ensure following of Covid-19 precautionary protocol prescribed from time to time by the Supreme Court, the Central Govt. and as well as the State Government.

A typed copy of this order be forwarded by the Registry to the Office of the Advocate General and to Mr. Manu V. John, learned Panel Lawyer, on their respective e-mail address, for intimation to the Police Station concerned. The office is also directed to forward a copy of this order to the learned Court below.

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

(Nandita Dubey)
Judge

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