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

**BEFORE
HON'BLE SMT. JUSTICE SUNITA YADAV
ON THE 29th OF JANUARY, 2024**

MISC. CRIMINAL CASE No. 3041 of 2024

BETWEEN:-

**SHIVANG BHARGAV S/O SHRI MANISH BHARGAV,
AGED ABOUT 18 YEARS, R/O BHITARWAR DISTRICT
GWALIOR (MADHYA PRADESH)**

.....APPLICANT

(BY SHRI R.K. GATWAR - ADVOCATE)

AND

**THE STATE OF MADHYA PRADESH THROUGH ARAKSHI
KENDRA PURANI CHHAWANI DISTRICT GWALIOR
(MADHYA PRADESH)**

.....RESPONDENT

(BY SHRI DINESH SAVITA - PUBLIC PROSECUTOR)

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

ORDER

This is **second** application filed by the applicant under Section 439 of the Cr.P.C. for grant of bail relating to FIR No. 584 of 2023 registered at Police Station - Purani Chhawani, District Gwalior (M.P.) for the offence under Sections 25/27 of the Arms Act. First application was dismissed as withdrawn vide order dated 29.12.2023 passed in M.CrC. No.54545/2023.

Allegation against the present applicant - accused is that he was found in possession of one 315 bore katta, one live cartridge, one adiya 315 bore, a country made 32 bore revolver, and 6 country made 315 bore katta, six live cartridges of 315 bore without having any valid license.

Learned counsel for the applicant argued that the applicant is innocent and has been falsely implicated. It is further argued that applicant is in custody since 09.11.2023. Since recovery has already been done and after completion of investigation, charge-sheet has been filed, therefore, there is no requirement of further custodial interrogation of the applicant. Further submission is that case is triable by the Court of JMFC and trial is likely to take long time to conclude. Applicant is permanent resident of District Gwalior (M.P.) and there is no possibility of his absconsion or tampering with the prosecution evidence. Hence, prayed for grant of bail to the applicant.

On the other hand, learned counsel for the State opposed the bail application by citing criminal antecedents and prayed for its rejection.

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

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 applicant be released on bail on furnishing a personal bond in the sum of **Rs.1,00,000/- (Rupees One Lakh only) with two solvent sureties of Rs.50,000/- 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 applicant:-

- 1) The applicant will comply with all the terms and conditions of the bond executed by him/her;
- 2) The applicant will cooperate in the investigation/trial, as the case may be;
- 3) The applicant will not indulge himself/herself 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 will not commit any other offence or will not repeat the offence in future. In case, if he/she is found involving in the offence of same nature, 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 applicant shall mark his attendance before the SHO of the concerning police station in the first week of every month till conclusion of trial.

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.

**(SUNITA YADAV)
JUDGE**

vpn