IN THE HIGH COURT OF MADHYA PRADESH AT GWALIOR

BEFORE

HON'BLE SMT. JUSTICE SUNITA YADAV

ON THE 11th OF JANUARY, 2024

MISC. CRIMINAL CASE No. 38197 of 2023

BETWEEN:-

RAMRAJ PARIHAR S/O RANVEER PARIHAR, AGED 27 YEARS, R/O VILLAGE BHATPURA NADI, PS MATABASAIYA DISTRICT MORENA (MADHYA PRADESH)

.....APPLICANT

(BY SHRI ANKUR MAHESHWARI - ADVOCATE)

AND

THE STATE OF MADHYA PRADESH THROUGH SHO POLICE STATION MATABASAIYA, DISTRICT MORENA (MADHYA PRADESH)

.....RESPONDENT

(BY SHRI APS TOMAR - PUBLIC PROSECUTOR FOR RESPONDENT/STATE)
(BY SHRI RAJMANI BANSAL - ADVOCATE FOR COMPLAINANT)

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

ORDER

This is the **third** application filed by the applicant under Section 439 of the Cr.P.C. for grant of bail relating to Crime No.276 of 2022 registered at Police Station Matabasaiya, District Morena (M.P.) for the offence under Sections 302, 294, 147, 148, 149, 307 of IPC and Section 29, 30 of the Arms Act. Last application was dismissed as withdrawn by the Coordinate Bench of this Court vide order dated 12.07.2023 passed in M.Cr.C.No.25381 of 2023.

Learned counsel for the applicant/accused argued that the applicant is

innocent and has been falsely implicated. After dismissal of the last application, circumstance has been changed as FSL report has been received. Further submission is that the present case is counter blast of a case filed against the complainant party for murder. Further submission is that just to implicate the applicant/accused he was arrayed alleging that he fired at deceased with a rifle and deceased received injuries fired by gun shot and died. However independent witnesses have not supported the case in respect to the present applicant/accused. Further submission is that in F.S.L. report dated 17.10.2023, it is opined that gun shot was not fired with rifle seized from the applicant/accused. In view of the scientific evidence, allegation levelled against the present applicant becomes doubtful and therefore, he is entitled to get the benefit of bail. Further submission is that the applicant/accused is under custody since 09.12.2022 for more than one year. The applicant shall abide by all the terms and conditions which may be imposed by this Court upon him. On these grounds, he prays for grant of bail to the applicant.

On the other hand, learned Public Prosecutor for the respondent /State as well as the counsel for the complainant vehemently opposed the application and argued that the case is supported by evidence of complainant Dalveer, therefore, the applicant is not entitled to get the benefit of bail.

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 applicant be released on bail on furnishing a personal bond in the sum of **Rs.1,00,000/- (Rupees One Lac Only)** with one solvent surety 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 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) The applicant will make available for interrogation before the trial as and when required.

8) During the pendency of the trial, the applicant shall not tamper the evidence or influence the prosecution witnesses.

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

AK/-

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