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

**BEFORE
HON'BLE SMT. JUSTICE SUNITA YADAV
ON THE 12th OF JANUARY, 2024**

MISC. CRIMINAL CASE No. 42181 of 2023

BETWEEN:-

**GABBAR S/O SHRI LAL SINGH RAJAK, AGED ABOUT 35
YEARS, GUPTA DALMIL KE PICHE KARERA THANA
KARERA, DISTRICT SHIVPURI (MADHYA PRADESH)**

.....APPLICANT

(BY SHRI D.S. TOMAR - ADVOCATE)

AND

**THE STATE OF MADHYA PRADESH THROUGH POLICE
STATION KHANIYADHANA DISTRICT SHIVPURI
(MADHYA PRADESH)**

.....RESPONDENT/STATE

(BY SHRI P. TANWAR - PANEL LAWYER)

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

ORDER

I.A.No.1032/2024, which is an application for taking the documents on record is taken up, considered and allowed for the reasons mentioned therein and the documents filed by the applicant are taken on record.

This is third application filed by the applicant under Section 439 of the Cr.P.C. for grant of bail relating to FIR No.295 of 2023 registered at Police Station Khaniyadhana, District Shivpuri (M.P.) for the offence punishable under Section 25, 27 and 26 of Arms Act. First bail application was dismissed as withdrawn vide order dated 11.07.2023 passed in M.Cr.C. No.27811 of 2023. Second bail application was dismissed on merits vide order dated 09.08.2023

passed in M.Cr.C. No.34610 of 2023.

Learned counsel for the applicant argued that the applicant is innocent person and has been falsely implicated in this case. After dismissal of earlier bail application, change in circumstances are that four prosecution witnesses have been examined and independent witness of memorandum of seizure has not supported the case of prosecution and has turned hostile. The applicant is in custody since 26.05.2023. The case is triable by JMFC. Applicant is permanent resident of District Shivpuri. Conclusion of trial is likely to take time and there is no likelihood of his absconsion, if released on bail. On these grounds, he prays for grant of bail to the applicant.

On the other hand, learned State counsel vehemently opposed the application and prayed for its rejection.

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

Considering the overall 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 by the applicant 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 them.
- 2) The applicant will cooperate in the investigation/trial, as the case may be;
- 3) The applicant will not indulge himself/herself/themselves 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. In case, if he/she is found involving in the offence of the 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.

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

(LJ*)