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

HON'BLE SHRI JUSTICE SANJEEV S KALGAONKAR

ON THE 19th OF JANUARY, 2024

MISC. CRIMINAL CASE No. 42350 of 2023

BETWEEN:-

**SUNEEL SHARMA S/O SH. SOBRAN SHARMA, AGED 36
YEARS, OCCUPATION: AGRICULTURIST R/O VILLAGE
GORMI POLICE STATION BHAROLI DISTRICT BHIND
(MADHYA PRADESH)**

.....APPLICANT

**(SHRI KUSHAGRA SHUKLA WITH SHRI ANAND PUROHIT- ADVOCATES
FOR THE APPLICANT)**

AND

**STATE OF MADHYA PRADESH THROUGH POLICE
STATION BHAROLI DISTRICT BHIND (MADHYA
PRADESH)**

.....RESPONDENT

(SHRI PURSHOTTAM TANWAR - PANEL LAWYER)

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

ORDER

This third bail application has been filed by applicant under Section 439 of the Code of Criminal Procedure, 1973 for grant of bail in connection with Crime No.70 of 2022 registered at Police Station Bharoli, District Bhind (M.P.) for offence punishable under Sections 307, 294 of IPC and 25/27 of Arms Act. Applicant is in judicial custody since 30-11-2022. First application of the applicant was dismissed as withdrawn with liberty to file afresh after statement of complainant is recorded before the learned trial Court *vide* order dated 27.03.2023 passed by Coordinate Bench of this Court in MCRC No. 13381 of

2023. Second application of the applicant was dismissed as withdrawn as there was no change in circumstance *vide* order dated 13.07.2023 passed by Coordinate Bench of this Court in MCRC No. 28027 of 2023. Thereafter, the statements of injured and eye-witnesses have been recorded.

As per the case of prosecution, Anil Kumar Tyagi admitted at District Hospital, District Bhind reported to ASI Mehtab Singh that on 28.11.2022, he went to village Goram for some work. Around 17:45, he was standing near the house of Brajesh Sharma, Sunil Sharma started quarelling with him with regard to one worker Ramesh. Sunil abused him in filthy language as he objected, Sunil fired on him with his mouser gun. Bullet missed his left cheek, but his cheek sustained burn injury. Shivam and Indal Sharma had brought him to District Hospital, Bhind. On such allegations, Police Station Bharoli, District Bhind registered FIR at Crime No.70/2022 for offence punishable under Sections 307, 294 of IPC and 25/27 of Arms Act. Injured was forwarded for medico legal examination. Statements of witnesses were recorded. One mouser gun was seized at the instance of Sunil Sharma. On completion of investigation, final report was submitted on 27.12.2022. The trial is underway.

Learned Counsel for the applicant, in addition to the grounds mentioned in the application, submits that applicant has been falsely implicated in this matter. He is Agriculturist by profession and is sole bread earner of the family, therefore, there is no likelihood of his absconsion leaving his family and property. Learned counsel referring to the statements of witnesses recorded in the trial submits that Anil Kumar Tyagi (PW-1), Shivam Kushwah (PW-2), Indal Sharma (PW-3) and Brajesh Sharma (PW-4) did not support the prosecution. No criminal antecedent is reported against applicant. There is no likelihood of

tampering with the evidence as all the material witnesses have been examined. Jail incarceration is causing hardship to applicant. Trial would take time to conclude. Therefore, applicant may be extended the benefit of bail.

Per contra, learned Counsel for the State opposes the bail application on the ground of gravity of alleged offence.

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

Considering the arguments advanced by both the parties and overall circumstances of the case, but without commenting on merits of the case, this Court is inclined to release the applicant on bail. Thus, the application is allowed.

Accordingly, it is directed that applicant - **Suneel Sharma** shall be released on bail in connection with Crime No.70 of 2022 registered at Police Station Bharoli, District Bhind (M.P.) for offence punishable under Sections 307, 294 of IPC and 25/27 of Arms Act, upon furnishing a personal bond in the sum of Rs. **1,00,000/- (Rs. One Lakh Only)** with one solvent surety of the same amount to the satisfaction of the Trial Court, for compliance with the following conditions, : **(For the sake of convenience of understanding by accused and surety, the conditions of bail are also reproduced in Hindi as under):-**

(1) Applicant shall remain present on every date of hearing as may be directed by the concerned court;

(1) आवेदक संबंधित न्यायालय के निर्देशानुसार सुनवाई की प्रत्येक तिथि पर उपस्थित रहेगा।

(2) Applicant shall not commit or get involved in any offence of similar nature;

(2) आवेदक समान प्रकृति का कोई अपराध नहीं करेगा या उसमें सम्मिलित नहीं होगा।

(3) Applicant shall not directly or indirectly make any inducement, threat

or promise to any person acquainted with the facts of the case so as to dissuade them/him/her from disclosing such facts to the Court or to the police officer;

(3) आवेदक प्रकरण के तथ्यों से परिचित किसी व्यक्ति को प्रत्यक्ष या अप्रत्यक्ष रूप से प्रलोभन, धमकी या वचन नहीं देगा, जिससे ऐसा व्यक्ति ऐसे तथ्यों को न्यायालय या पुलिस अधिकारी को प्रकट करने से निवारित हो।

(4) Applicant shall not directly or indirectly attempt to temper with the evidence or allure, pressurize or threaten the witness;

(4) आवेदक प्रत्यक्ष या अप्रत्यक्ष रूप से साक्ष्य के साथ छेड़छाड़ करने का या साक्षी या साक्षियों को बहलाने-फुसलाने, दबाव डालने या धमकाने का प्रयास नहीं करेगा।

(5) During trial, the applicants shall ensure due compliance of provisions of Section 309 of Cr.P.C. regarding examination of witnesses in attendance;

(5) विचारण के दौरान, उपस्थित गवाहों से परीक्षण के संबंध में आवेदक धारा 309 दं.प्र.सं. के प्रावधानों का उचित अनुपालन सुनिश्चित करेगा।

This order shall be effective till the end of trial. However, in case of breach of any of the precondition of bail, it shall become ineffective without reference to the Court.

The trial Court shall get these conditions reproduced on the personal bond by the accused and on surety bond by the surety concerned, if any of them is unable to write, the scribe shall certify that he had explained the conditions to the concerned accused or the surety.

C.C. as per rules.

(SANJEEV S KALGAONKAR)
JUDGE

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