

1
**IN THE HIGH COURT OF MADHYA PRADESH
AT GWALIOR**

**BEFORE
HON'BLE SHRI JUSTICE SANJEEV S KALGAONKAR
ON THE 24th OF JANUARY, 2024**

MISC. CRIMINAL CASE No. 49735 of 2023

BETWEEN:-

**VINOD KUMAR SHARMA S/O SHRI RAMESHWAR
DAYAL SHARMA, AGED ABOUT 42 YEARS, R/O GRAM
UAPMANYU KA PURA MAJRA KARWAS THANA MOW
TEH GOHAD DISTRICT BHIND (MADHYA PRADESH)**

.....APPLICANT

(SHRI PRADEEP KATARE - ADVOCATE)

AND

**THE STATE OF MADHYA PRADESH THROUGH POLICE
THANA MOW DISTRICT BHIND (MADHYA PRADESH)**

.....RESPONDENTS

(SHRI PRAMOD KUMAR PACHORI - PUBLIC PROSECUTOR)

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

ORDER

This second bail application has been filed by the applicant under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail, who is apprehending his arrest in connection with Crime No.182/2023 registered at Police Station Mow, District Bhind (M.P.) for offence punishable under Sections 308, 294 and 34 IPC. The first bail application was dismissed as withdrawn with a request that direction may be issued to the Investigation Officer to comply with the directions of the Supreme Court in cases of **Arnesh Kumar Vs. State of Bihar (2014) 8 SCC 273** and **Satender Kumar Antil Vs. Central Bureau of investigation (2022) 10 SCC 51**. Accordingly,

application was **dismissed** with aforesaid direction.

Despite directions, applicant is apprehending his arrest. As per the Status Report submitted by the Investigation Officer, certain inquiry with regard to arm used in the alleged offence is to be made, but applicant has not been available for the purpose of investigation.

Heard. Considered. Perused the case diary.

First application was withdrawn with certain directions vide order dated 13.09.2023. Applicant has not been arrested till date, further he has not been available for the purpose of investigation. In such a scenario, no further directions are required in the matter.

This second application filed under Section 438 of CrPC *sans merit* is hereby **dismissed**.

Vijay

(SANJEEV S KALGAONKAR)
JUDGE