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**IN THE HIGH COURT OF MADHYA PRADESH
AT GWALIOR
BEFORE
HON'BLE SMT. JUSTICE SUNITA YADAV
ON THE 19th OF JANUARY, 2024
MISC. CRIMINAL CASE No. 56769 of 2023**

BETWEEN:-

**PIYUSH TOMAR S/O SHRI RAJU SINGH TOMAR, AGED
22 YEARS, OCCUPATION: DRIVER, R/O M.I.G. 815, NEW
HOUSING BOARD COLONY, MAYUR VAN COLONY,
MORENA (MADHYA PRADESH)**

.....APPLICANT

(BY SHRI RAM KRISHNA PATHAK - ADVOCATE)

AND

**THE STATE OF MADHYA PRADESH THROUGH POLICE
STATION PURANI CHHAWANI, DISTRICT GWALIOR
(MADHYA PRADESH)**

.....RESPONDENT

(BY SHRI DHEERAJ KUMAR BUDHOLIYA - PANEL LAWYER)

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

ORDER

This is **first** application filed by the applicant under Section 439 of the Cr.P.C. for grant of bail relating to Crime No. 586 of 2023 registered at Police Station Purani Chhawani, District Gwalior (M.P.) for the offence under Sections 294, 323, 327, 307, 506, 120B, 34 of IPC and Section 25/27 of the Arms Act.

Learned counsel for the applicant/accused argued that applicant is innocent and has been falsely implicated. As per allegation, the applicant/accused called the complainant day before the incident threatening him to pay *Hafta Vasuli*, however, no call details have been filed with the charge

sheet. Further submission is that only simple injuries are found on the body of the complainant. No gun shot injuries are found on the body of injured and his brother. It is further submitted that at the time of incident, the present applicant/accused was at Morena Toll which can be confirmed by CCTV footage and therefore, the applicant/accused filed an application before the concerned Police Station to examine the CCTV footage, however the concerned Police Station has not done any investigation on this part. The applicant is in custody since 13.11.2023. After conclusion of investigation, charge-sheet has already been filed, therefore, custodial interrogation of the applicant is not required any more. Applicant is the permanent resident of District Morena (M.P.) and there is no possibility of his absconsion or tampering with the prosecution evidence. On these grounds, he prays for grant of bail to the applicant.

Per contra, learned Panel Lawyer for the respondent/State vehemently opposed the application by citing one criminal antecedent and prayed for its rejection.

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.50,000/- (Rupees Fifty Thousand Only)** with one solvent surety in the like amount to the satisfaction of the trial Court/Committal 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 shall not commit an offence similar to the offence of which he/she is accused;

5) The applicant will not seek unnecessary adjournments during the trial;

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

AK/-