

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

BEFORE

HON'BLE SMT. JUSTICE SUNITA YADAV

ON THE 8th OF JANUARY, 2024

MISC. CRIMINAL CASE No. 57220 of 2023

BETWEEN:-

**AKBAR SHAH S/O SHRI KHAIRU SHAH, AGED 37 YEARS,
R/O GRAM RAJGHAD, SHIVPURI (MADHYA PRADESH)**

.....APPLICANT

(BY SHRI RAJMANI BANSAL - ADVOCATE)

AND

**THE STATE OF MADHYA PRADESH THROUGH POLICE
STATION KOTWALI, SHIVPURI (MADHYA PRADESH)**

.....RESPONDENT

(BY SHRI DINESH SAVITA - PUBLIC PROSECUTOR)

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

ORDER

This is **first** bail application filed by the applicant under section 439 of the Cr.P.C. for grant of bail in connection with Crime No.660 of 2023 for offences punishable under Sections 25, 27 of the Arms Act registered at Police Station - Kotwali, Shivpuri (M.P.).

Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in this case. After conclusion of investigation, charge sheet has already been filed, therefore custodial interrogation of the applicant is not required any more. It is further submitted that offence is triable by JMFC. He is in custody since 15.09.2023. Co-accused Akash Rajak has

already been granted bail by this Court by order dated 07.11.2023 passed in MCRC No. 49780 of 2023 and case of the present applicant is in parity with the co-accused. The applicant is permanent resident of District Shivpuri (M.P.) and there is no likelihood of his absconsion or tampering with the prosecution evidence; therefore, he prays for grant of bail to the applicant.

On the other hand, learned Public Prosecutor for the respondent/ State opposed the application by citing criminal history 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.1,00,000/- (Rupees One Lac 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;
- 2) The applicant will cooperate in the investigation/trial, as the case may be;
- 3) The applicant will not indulge himself 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; 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 shall mark his presence before the SHO of the concerning Police Station in the first week of every month till conclusion of trial.

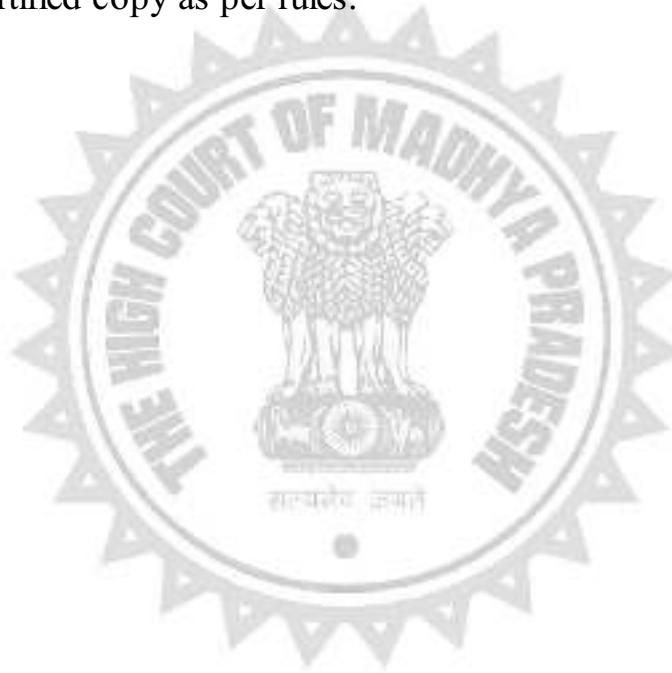
Learned State counsel is directed to send an e-copy of this order to the Station House Officer of the concerned Police Station for information and necessary action.

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.

AK/-

ANAND
KUMAR
2024.01.08
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**(SUNITA YADAV)
JUDGE**