

HIGH COURT OF MADHYA PRADESH**MCRC.No.34366/2020****(Hariram Singh Vs. State of M.P.)****Gwalior, Dated : 16.09.2020**

Shri Brajesh Kumar Tyagi, learned counsel for the applicant.

Shri Alok Sharma, learned Panel Lawyer for the State.

In the wake of unprecedented and uncertain situation due to outbreak of the Novel Corona virus (COVID-19) and considering the advisories issued by the Government of India, this application has been heard and decided through video conferencing to maintain social distancing. The parties are being represented by the respective counsel through video conferencing, following the norms of social distancing/ physical distancing in letter and spirit.

Heard the learned counsel for the parties.

The applicants has filed this first application u/S.438 Cr.P.C. for grant of anticipatory bail as he has apprehension of his arrest in connection with Crime No.149/2019 registered at Police Station Saraichhola, District Morena for the offences punishable under Sections 307, 34 of IPC and Section 25 and 27 of Arms Act.

It is submitted by the counsel for the applicant that the applicant has been falsely implicated in the case and he has not committed any offence in any manner. It is argued that only on the basis of memo of Section 27 of the co-accused the applicant has been roped in the case. It is submitted that there is no allegation of causing injury by the present applicant to anyone. There is no recovery from the present applicant. It is submitted that the co-accused Bablu Gurjar has already been enlarged on bail by this

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Court vide order dated 03.09.2020 in M.Cr.C.No.31333/2020 and the case of the present applicant is parity with the case of the co-accused Bablu Gurjar. The applicant is ready to abide by all the terms and conditions which may be imposed by this court while considering the application for grant of bail. The applicant has further shown his willingness to contribute an amount of Rs.10000/- towards the PM Care Fund. There is no possibility of his absconding or tampering with the prosecution case.

Per contra, learned Panel Lawyer for the State has opposed the anticipatory bail application stating that the applicant is a history-sheeter and having a criminal history of three case including the present case. At this stage, it is argued that Bablu Gurjar was also having criminal history of one case which is clearly reflected in the order of Bablu Gurjar who has already been enlarged on bail. But the fact remains that the applicant is having a criminal history of three cases and a reward of Rs.5000/- has also been announced against him.

Considering the overall facts and circumstances of the case, this Court does not deem it appropriate to grant the anticipatory bail to the present applicant. The anticipatory bail application is hereby **rejected**.

E-copy of this order be provided to the applicant and it is made clear that E-copy of this order shall be treated as certified copy for practical purposes in respect of this order.

(Vishal Mishra)
Judge