

**THE HIGH COURT OF MADHYA PRADESH**  
**MCRC No. 59198/2021**  
**[ARVIND (GURJAR) Vs THE STATE OF MADHYA PRADESH]**

**Gwalior, Dated : 06/12/2021**

Shri Ravi Dwivedi, Counsel for applicant.

Shri C.P. Singh, Counsel for State.

Case diary is available.

This is second application filed under Section 439 of Cr.P.C. for grant of bail. The first bail application was dismissed by order dated 28.10.2021 passed in M.Cr.C. No.49953/2021 as withdrawn.

The applicant has been arrested on 20.09.2021 in connection with Crime No.316/2021 registered at Police Station Maharajpura Distt. Gwalior for offence under Sections 324, 336, 294, 506, 34 and later added Section 326 of IPC.

It is submitted by Counsel for the applicant that first bail application i.e. M.Cr.C. No.49953/2021 was withdrawn by order dated 28.10.2021 with liberty to revive the prayer after undergoing some reasonable period of detention. The applicant is in jail for last more than two months. According to prosecution case, a free fight took place between the parties. The complainant party had pelted stones on accused party. As a result, Dharendra Gurjar sustained injury on his mouth and lost his two teethes whereas according to the prosecution case, it is alleged that present applicant assaulted the injured by means of an axe resulting in uprooting of two teethes. The applicant has no criminal history and he is aged about 20 years and

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his long incarceration may result in association with other inmates of jail which may adversely effect his career and future. The trial is likely to take sufficiently long time and there is no possibility of his absconding or tampering with prosecution case.

*Per contra*, the application is opposed by Counsel for the respondent/State.

Heard the learned Counsel for the parties.

Considering the period of detention and without commenting on the merits of the case, the application is **allowed**. 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 surety in the like amount to the satisfaction of the Trial Court/Committal Court to appear before the Court on the dates given by the concerned Court.

This order shall remain effective till the end of the trial but in case of bail jump, it shall become ineffective.

In the light of the judgment passed by the Supreme Court in the case of **Aparna Bhat & Ors. vs. State of M.P. passed on 18/3/2021 in Criminal Appeal No.329/2021**, the intimation regarding grant of bail be sent to the complainant.

Certified copy as per rule.

**(G.S. Ahluwalia)**  
**Judge**