

**IN THE HIGH COURT OF MADHYA PRADESH  
AT GWALIOR  
CRA No. 6490 of 2024**

*(DHEERAJ RAJPUT Vs THE STATE OF MADHYA PRADESH AND OTHERS)*

**Dated : 25-06-2024**

*Shri Atul Gupta - Advocate for the appellant.*

*Shri Nitin Goyal - Panel Lawyer for the respondent/State.*

This is first Criminal Appeal under section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act, for grant of bail filed on behalf of appellant against the order dated 15.05.2024 passed in S.T. No.178 of 2023.

2. The appellant has been arrested on 09.09.2023 in connection with (FIR) / Crime No.555 of 2023 registered at Police Station- Dehat, District - Bhind (M.P.) for offences punishable under Sections 302, 147, 148, 149 of IPC, Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and Section 25, 27, 25(1-B)A, 27(1) of Arms Act.

3. Learned counsel for the appellant submits that the as per prosecution version, there are two eye witnesses of the incident i.e., Shailesh (PW-2) and Santosh (PW-3) who are brother and uncle of the deceased. It is argued that as per prosecution version, there was a sudden altercation with one co-accused Sooraj Atal who thereafter called other friends including the present appellant and the present appellant is alleged to have fired gunshot injuries on the deceased. It is argued that the statement of the aforesaid two eye witnesses Shailesh and Santosh have already been recorded and both have turned hostile and denied the presence of present appellant on the spot and Shailesh (PW-2) has implicated co-accused Avneesh but has not implicated the present

appellant. It is submitted that in the trial the deposition of father, brothers, uncle, mother and wife of the deceased have already been recorded. There is no likelihood of the present appellant influencing the prosecution witnesses. It is further argued that the appellant is in custody since 09.09.2023 and co-accused Kapil Sharma has already been granted benefit of bail in Cr.A.No.6051/2024. The appellant undertakes to cooperate in the investigation and trial, if he is granted the benefit of bail.

4. *Per contra*, learned Panel Lawyer has opposed the contentions of the appellant and submits that there is no parity with case of co-accused Kapil Sharma because against that accused there was no allegation of firing gunshots. However, it is not disputed that the prosecution witnesses have turned hostile against the present appellant and have not supported the version of present appellant firing the gunshots.

5. Heard learned counsel for the parties at length and perused the case diary.

6. Considering the submissions advanced by the learned counsel for the parties and aspect of parity, but without commending on the merits of the case, this Court is inclined to grant bail to the appellant but with some stringent conditions. It is hereby directed that the appellant shall be released on bail on his furnishing personal bond of **Rs.50,000/- (Rupees Fifty Thousand only)** with one solvent surety of the like amount to the satisfaction of the trial Court concerned.

7. This order shall remain operative subject to compliance of following stringent conditions by the appellant:-

(a) The appellant will comply with all the terms and conditions of the bond executed by him.

(b) The appellant 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 from disclosing such facts to the Court or to the Police Officer, as the case may be.

(c) The appellant will cooperate in the trial and he shall not commit any offence similar to the offence of which he is accused;

(d) The appellant will not seek unnecessary adjournments during the trial;

(e) The appellant will not leave India without previous permission of the trial Court/Investigating Officer, as the case may be;

(f) The appellant shall not move in the vicinity/village of the complainant party where he/she resides in any manner.

(g) Appellant shall not try to contact the complainant party in person or through any digital/electronic media otherwise, benefit of bail shall immediately be withdrawn.

(h) The appellant shall not involve himself in any criminal activity in future otherwise, benefit of bail shall immediately be withdrawn.

(i) In case of bail jump, this order shall become ineffective.

8. Criminal appeal stands **allowed** and **disposed of**.

9. A copy of this order be sent to the trial Court concerned for compliance and information.

**(VIVEK JAIN)**  
**JUDGE**