

IN THE HIGH COURT OF MADHYA PRADESH**AT INDORE****BEFORE****HON'BLE SHRI JUSTICE ANIL VERMA****ON THE 22nd OF JUNE, 2022****MISC. CRIMINAL CASE No. 29436 of 2022****Between:-****TUSHAR GUPTA S/O SHRI DHARMENDRA GUPTA , AGED ABOUT
21 YEARS, OCCUPATION: STUDENT KASTURIBAGH COLONY
(MADHYA PRADESH)****.....PETITIONER****(BY SHRI DEVDEEP SINGH, ADVOCATE)****AND****THE STATE OF MADHYA PRADESH STATION HOUSE OFFICER
THROUGH POLICE STATION MAHANKAL (MADHYA PRADESH)****.....RESPONDENTS****(BY SHRI R. SOLANKI, PL)**

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

ORDER

Applicant has filed this first bail application under Section 439 of the Code of Criminal Procedure, 1973. He is in Jail since 22.5.2022 in connection with Crime No. 304/2022 registered at P.S. - Mahankal District Ujjain (M.P.) for commission of offence punishable under Section 25 and 27 of Arms Act.

As per prosecution story, the police got discreet information from the informer regarding illegal possession of fire arms. Acting upon the said information, the police reached on the spot and recovered one country-made pistol and live cartage from the possession of the applicant. Some more arms have been recovered from the possession of the co-accused persons. Accordingly, aforesaid offence was registered against the applicant and other co-accused persons and arrested the applicant.

Learned counsel for the applicant submits that the applicant is innocent and he has been falsely implicated in this offence. He is in custody since 22/05/2022. He is permanent resident of District-Ujjain and there is no apprehension of his fleeing away from the course of justice. Co-accused person Chandan has been enlarged on bail by order dated 13.6.2022 passed in M.Cr.C No. 27222/2022 by this court, therefore, the present applicant also deserves for bail on the ground of parity.

Per-contra, learned PL for the respondent/State opposes the bail application and prays for its rejection by submitting that one criminal antecedent under section 294 and 323 of IPC has been registered against the present applicant.

Perused the case diary as well as the impugned order of the trial Court.

Considering all the facts and circumstances of the case, arguments advanced by both the parties, nature of allegation as also

taking note of the fact that the alleged offence is exclusively triable by JMFC; investigation is over, therefore, no further custodial interrogation is required; co-accused Chandan has been enlarged on bail by this court in similar circumstances, final conclusion of trial will take long sufficient time, I deem it proper to release the applicants on bail on the ground of parity.

Accordingly, without commenting on the merits of the case, the application is allowed. It is directed that the applicant be released on bail upon his furnishing a personal bond in the sum of **Rs.75,000/- (Rs.Seventy Five Thousand)** with one surety in the like amount to the satisfaction of the trial Court for his appearance before the trial Court, as and when required. He shall abide by the conditions enumerated u/S.437(3) Cr.P.C.

It is made clear that if the applicant is again found to be involved in any other offence during the trial, this order shall stand cancelled automatically without reference to the Court and the police will be at liberty to arrest the applicant in the present case also. This order shall be effective till the end of the trial, however, in case of bail jump, it shall become ineffective.

Certified copy, as per Rules.

(ANIL VERMA)
J U D G E