

:1: MCrC 29480-2022

IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE
BEFORE
HON'BLE SHRI JUSTICE SUBODH ABHYANKAR

ON THE 23rd OF JUNE, 2022

MISC. CRIMINAL CASE No. 29480 of 2022

Between:-

**GOLU SINGH S/O DILIP SINGH, AGED ABOUT 27 YEARS, OCCUPATION:
LABOUR SIGNOUR, POLICE STATION GOGAON, DISTRICT- KHARGONE
(MADHYA PRADESH)**

.....APPLICANT

AND

**THE STATE OF MADHYA PRADESH STATION HOUSE OFFICER THROUGH
POLICE STATION BIKANGAON, DISTRICT KHARGONE (MADHYA
PRADESH)**

.... RESPONDENTS

(SHRI AKASH SHARMA, GOVERNMENT ADVOCATE)

.....

*This Miscellaneous Criminal Case coming on for orders this
day, the Court passed the following:*

ORDER

They are heard and perused the case diary.

This is the applicant's **first** bail application filed under Section 439 of Cr.P.C. The applicant is implicated in connection with Crime No.579/2021, registered at Police Station- Bikangaon, District-Khargone (MP) for offence punishable under Section 25(1) of the Arms Act. The applicant is in jail since 29.4.2022.

The allegation against the present applicant is that he sold the

country made pistol to the main accused Sandeep, who in his memo prepared under Section 27 of Evidence Act has named the present applicant as he is the provider of the pistol.

Counsel for the applicant has submitted that except the memo prepared under Section 27 of the Evidence Act, there is no other material available on record to connect the applicant with the offence. It is further submitted that the charge sheet has been filed; the applicant is in jail since 29.04.2022 and the final conclusion of the trial is likely to take a long time. Thus, it is submitted that the applicant be released on bail.

Counsel for the State, on the other hand, has opposed the prayer. However, it is not denied that there are no other criminal case registered against the applicant.

On due consideration of the rival submissions and on perusal of the case diary, taking note of the fact that applicant is in jail since 29.4.2022 and there are no other case registered against him, this Court finds force with the contention raised by the counsel for the applicant. Accordingly, without reflecting anything on the merits of the case, the application filed by under Section 439 of Cr.P.C. on behalf of the applicant is hereby **allowed**.

The applicant is directed to be released on bail upon furnishing a personal bond in the sum of **Rs.50,000/-**(Rupees Fifty Thousand only) with one solvent surety of the like amount to the satisfaction of the trial Court for his/her regular appearance before the trial Court during trial with a condition that he / she shall remain present before the court

:3: MCrC 29480-2022

concerned during trial and shall also abide by the conditions enumerated under Section 437(3) Criminal Procedure Code, 1973.

It is further observed 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.

(Subodh Abhyankar)
Judge

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