

**IN THE HIGH COURT OF MADHYA PRADESH  
AT INDORE  
BEFORE**

**HON'BLE SHRI JUSTICE ANIL VERMA**

**ON THE 5<sup>th</sup> OF AUGUST, 2022**

**MISC. CRIMINAL CASE No. 37954 of 2022**

**Between:-**

**SHER MOHAMMAD S/O SHRI MUBARIK  
HUSAIN, AGED ABOUT 41 YEARS,  
OCCUPATION: LABOUR MALLA TALAI  
GALI NO. 1, UDAIPUR (RAJASTHAN)**

**.....PETITIONER**

***(PRAFULL SHARMA, LEARNED COUNSEL FOR THE PETITIONER )***

**AND**

**THE STATE OF MADHYA PRADESH  
STATION HOUSE OFFICER THROUGH  
POLICE STATION GAROTH (MADHYA  
PRADESH)**

**.....RESPONDENTS**

***(PROXY COUNSEL SEEMA MAHESHWARI PL APPEARING ON  
BEHALF OF ADVOCATE GENERAL)***

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

**O R D E R**

Applicant has filed this first bail application under Section 439 of the Code of Criminal Procedure, 1973. He is in Jail since

12.7.2022 in connection with Crime No. 306/2022 registered at P.S. - Garoth District Mandsaur (M.P.) for commission of offence punishable under Section 307, 353, 333, 224, 225 34 of IPC and 25, 27 of Arms Act.

As per the prosecution story, on 3.7.2022 while police officials went to Village Barkheda Gangasa for investigation of crime No. 252/2022, at that time co-accused Sanwar fired on police official Bhuvansingh Gore with an intention to kill him and thereafter co-accused Sarfaraj and Sanwar fled away from the spot. During investigation it was gathered that present applicant arranged the pistol which was used in the incident to co-accused persons. Accordingly a case has been registered against the applicant.

Learned counsel for the applicant submits that applicant is innocent and he has been falsely implicated in this matter. Applicant is in jail since 12.7.2022. He is not the main accused person. The applicant is permanent resident of District Udaipur (Rajasthan). Final conclusion of trial will take considerable long time. Hence, he prays that applicant be released on bail.

*Per-contra*, learned PL for respondent/State opposes the bail application and prays for its rejection by submitting that one more criminal case under section 392 of IPC has been registered against the applicant hence he does not deserve for bail.

Perused the case diary as well as the impugned order of the court below.

Considering all the facts and circumstances of the case, arguments advanced by counsel for the parties, nature and gravity of allegation as also taking note of the fact that the allegation against the applicant is for commission of offence under section 25 & 27 of Arms Act, he is not the main accused, investigation is almost over in respect of present applicant, final conclusion of trial will take considerable long time, I deem it proper to release the applicant on bail.

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 only)** with two solvent sureties out of which one should be local, 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.

Certified copy as per rules.

**(ANIL VERMA)**  
**J U D G E**

*BDJ*