



IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE

BEFORE

HON'BLE SHRI JUSTICE PRAKASH CHANDRA GUPTA

ON THE 14th OF OCTOBER, 2024

MISC. CRIMINAL CASE No. 34772 of 2024

KAMLESH @ KABU

Versus

THE STATE OF MADHYA PRADESH

.....
Appearance:

Shri Rajesh Joshi, Advocate for the applicant.

Shri Jayesh Yadav, Dy. Government Advocate for the non-applicant/State.

.....

ORDER

Heard with the aid of case diary.

This is first application filed under Section 438 of Cr.P.C./482 of BNSS for grant of anticipatory bail to the applicant in connection with FIR/Crime No.75/2021 dated (not mentioned) registered at Police Station Tanda, District Dhar (M.P.) for commission of offence punishable under Sections 25(1) and 27 of the Arms Act.

2. Prosecution story, in brief is that on 11.03.2021, co-accused Mahesh @ Madiya was found in illegal possession of one 12 bore country made katta and one 12 bore live cartridge, without having any valid license/authority. The police had seized the aforesaid katta and cartridge from the possession of co-accused. Accordingly, a crime was registered against him. During investigation, it was found that applicant Kamlesh @ Kabu had sold the



aforesaid katta and cartridge to the co-accused therefore, applicant was implicated in the case.

3. Learned counsel for the applicant/accused submits that the applicant has not committed the offence and has falsely been implicated in the case only on the basis of memorandum statement of co-accused. Applicant had no knowledge about registration of FIR against him. He is a labour and used to live at Gujarat for labour work. When he returned to his house, then only he got acquainted about registration of the aforesaid FIR. There is no material evidence available against him to connect him in the case. Applicant is a reputed person. The police is trying to arrest him and if he gets arrested, his reputation will be tarnished. Therefore, it is prayed that the applicant be granted anticipatory bail.

4. On the other hand, learned counsel for the non-applicant/State has opposed the prayed and prayed for its rejection.

5. Having considered the rival submissions and after perusal of the case diary so also looking to overall facts and circumstances of the case, this Court is of the considered view that this is a fit case to grant anticipatory bail to the applicant. Hence, without expressing any opinion on merit of the case, this application is **allowed**.

6. It is directed that in the event of arrest, applicant- **Kamlesh @ Kabu** shall be released on bail upon his furnishing personal bond in the sum of **Rs.50,000/- (Rupees Fifty Thousand Only)** with one solvent surety in the like amount to the satisfaction of the Arresting Officer for his appearance before the Trial Court on all dates and for complying with the conditions



3

MCRC-34772-2024

enumerated in sub-section (2) of Section 438 of Cr.P.C./482 of BNSS.

7. M.Cr.C. stands disposed of accordingly.

Certified copy, as per Rules.

(PRAKASH CHANDRA GUPTA)
JUDGE

gp