

The High Court of Madhya Pradesh

M.Cr.C.No.45251/2018

(Rahul Mahawar Vs. State of M.P.)

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Jabalpur, Dated : 16-11-2018

Shri Rajesh Maindiretta, counsel for the applicant.

Shri A.N.Gupta, G.A., for the respondent/State.

Heard. Case diary perused.

This is first application filed under Section 439 of the Cr.P.C. for grant of bail to the applicant.

The applicant has been arrested in connection with Crime No.849/2018, registered at Police Station Nishatpura, District Bhopal, for the offences punishable under Sections 25, 27 of the Arms Act.

The allegation of prosecution is that on 16.10.2018 on the information of informer near Tuva College, New Jail Road, Karond, Bhopal the police party intercepted the motor cycle in which co-accused Devendra Mahawar and Vinay Mahawar were travelling. On search of the bag of co-accused Devendra Mahawar two country made pistols and one cartridge was seized from his possession and on search of body of co-accused one country made pistol and one live cartridge without any license were seized. On interrogation the co-accused have revealed that they have furnished one country made pistol with live cartridge to applicant Rahul Mahawar. On 16.10.2018, the country made pistol and live cartridge had been recovered from the possession of applicant, so he has also been arrayed in the list of accused persons and also arrested on the same day.

Learned counsel for the applicant has submitted that the applicant is innocent and has been falsely implicated in the case. The applicant is in custody since 16.10.2018. It is further submitted that there is no likelihood of his absconding or tampering with the prosecution witness. Therefore, it is prayed that the applicant be released on bail.

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Learned Government Advocate for State has opposed the application for bail.

Applicant is said to be a young student of Barkutullah University, undergoing his studies in B.Com Degree course, which is supported by marksheet of B.Com Semester 5 Annexure A/2. He is in judicial custody since 16.10.2018. The co-accused persons have already been enlarged on bail by the trial Court.

Looking to the facts and circumstances of the case and the period of detention of the applicant, I deem it a fit case to enlarge the applicant on bail.

Accordingly, this application is allowed. It is directed that the applicant **Rahul Mahawar**, shall be released on bail on his furnishing personal bond in the sum of **Rs.30,000/- (Rupees thirty thousand only)** with one solvent surety of the like amount to the satisfaction of the trial Court. The applicant shall abide by the conditions as enumerated under Section 437(3) of the Cr.P.C. and in the event of breach of condition of bail, the trial Court will be competent to take coercive action against the applicant.

This M.Cr.C. stands allowed and disposed of.

C.C. as per rules.

(MOHD. FAHIM ANWAR)
JUDGE

M.