

(2021) 03 MP CK 0002

In the Madhya Pradesh High Court

Case No : Miscellaneous Criminal Case No.11614 Of 2021

Sunil Jain

APPELLANT

Vs

State Of M.P

RESPONDENT

Date of Decision : 01-03-2021

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 437(3), 439
Indian Penal Code, 1860 — Section 34, 294, 307, 506II
Arms Act, 1959 — Section 25(1), 27

Citation : (2021) 03 MP CK 0002

Hon'ble Judges : Subodh Abhyankar, J

Bench : Single Bench

Advocate : Sanjay Sharma, Ranjeet Sen, Manoj Soni

Final Decision : Allowed

Judgement

Subodh Abhyankar, J

1. Heard. Perused the case diary.

2. This is the first application under Section 439 of Cr.P.C. The applicant is implicated in connection with Crime No.628/2020 registered at Police

Station â?" Badnawar, District â?" Dhar for offence punishable under Sections 294, 307, 506â?"II, 34 of IPC and Sections 25 (1) and 27 of Arms

Act. The applicant is in custody since 13.02.2021.

3. At the outset, Counsel for the applicant has submitted that the co-accused in the present case Shishir has already been granted bail by this Court in

M.Cr.C. No.2151 of 2021 vide order dated 19.01.2021. It is further submitted that admittedly a firearm has been recovered at the instance of the

applicant, which was also the case with the co-accused Shishir, who has been granted bail by this Court and thus, on the ground of parity, the applicant

be released on bail.

4. Counsel has submitted that admittedly no person from the complainant side has suffered any injury and there was a land dispute going on between the parties. It is also submitted that parties have also compromised the matter and the applicant is in jail since 13.02.2021, therefore, he be released on bail.

5. Counsel for the State, on the other hand, has opposed the prayer and it is submitted that as there are as many as 20 criminal cases have been registered against the applicant and two orders of externment have also been passed against him and as such no case for grant of bail is made out.

6. Counsel for the objector/complainant â?" Dhannalal, Shri Manoj Soni has also supported the case of the applicant. It is submitted that since the parties have reconciled their deferences and the dispute was regarding land only, the application may be allowed.

7. On due consideration of the submissions and on perusal of the case-diary, it is found that the case of the applicant is akin to that of other co-

accused Shishir, who has been granted bail by this Court in M.Cr.C. No.2151 of 2021 on 19.01.2021 and as such the applicant is entitled to be

released on bail. So far as the criminal antecedents of the applicant are concerned, since the bail application is being allowed on the ground of parity

and admittedly no injury has been suffered by anyone of the complainant party, therefore, without reflecting anything on the merits of the case, the

application filed under Section 439 of Cr.P.C. on behalf of the applicant is hereby allowed.

8. The applicant is directed to be released on bail on his furnishing a personal bond in the sum of Rs.50,000/- (Rupees Fifty Thousand only) with one

surety in the like amount to the satisfaction of the Trial Court for his appearance as and when directed. He shall be abide by the conditions as

enumerated under Section 437(3) of Cr.P.C.

9. It is made clear that after being released on bail, if the applicant again indulges himself in any criminal activity, the present order shall stand

cancelled without further reference to the Court and the police shall be entitled to arrest the applicant in the present case also.

10. The applicant will attend each hearing of his trial before the Trial Court out of which this bail arises. Any default in attendance in Court would

result in cancellation of the bail granted by this Court.

Certified copy as per rules.