

**IN THE HIGH COURT OF MADHYA PRADESH  
AT GWALIOR**

**Misc. Criminal Case No.30354 of 2024**

**[AMARPAL VS. STATE OF MADHYA PRADESH]**

**Dated : 20.07.2024**

*Shri Rajesh Pathak - Advocate for the applicant.*

*Shri Sushant Tiwari- Public Prosecutor for respondent/State.*

This **first** bail application has been filed by applicant under Section 439 of the Code of Criminal Procedure, 1973, for grant of bail in connection with Crime No.104/2024 registered at Police Station Sahrai, District Ashoknagar (M.P.) for offences punishable under Sections 294, 506, 34, 307 of the IPC and Section 25/27 of Arms Act. The applicant is in judicial custody since 14.05.2024.

As per the case of prosecution, Satyendra Yadav reported to SHO of Police Station Sahrai, District Ashoknagar that on 11.05.2024 around 04:40 in the afternoon, he along with his brother Sehdev, uncle Charley and mother Pista Bai were working at the bore in village Kutrau. Chhatarapal Singh, Deepak, Sher Singh and Amarpal Singh came there on two motorcycles. Deepak Yadav and Amarpal were armed with gun of 12 bore. Deepak started abusing him in filthy language over outstanding payment of water pump. Deepak tried to forcibly get him on his motorcycle. Meanwhile, his uncle and mother intervened. Deepak fired in air with his 12 bore gun. Amarpal also fired in air. Deepak fired on him but the bullet missed him and hit the wall.

Thereafter, Sher Singh and Amarpal left their motorcycles and fled away. On such allegations, Police Station Sahrai, District Ashoknagar registered FIR at Crime No.104/2024 for offences punishable under Sections 294, 506, 34, 307 of the IPC and Section 25/27 of Arms Act. Statements of witnesses have been recorded. Applicant was arrested on 14.05.2024. He is in custody ever since. Relevant seizures have been made. Investigation is underway with reference to the absconding accused.

Learned counsel for the applicant, in addition to the grounds mentioned in the application, submits that applicant has falsely been implicated in this matter. No offence as alleged is made out against the applicant. There is no allegation of firing gunshot at the complainant. No-one is injured in the incident. Learned counsel for the applicant further submits that applicant is aged around 31 years and is Agriculturist by profession. He is sole bread earner of the family. There is no likelihood of absconsion leaving family, home and profession. There is no likelihood of tampering with evidence by applicant. Trial will take time to conclude. Therefore, applicant may be extended the benefit of bail.

*Per contra*, learned Counsel for the State opposes the bail application on the ground of gravity of alleged offence and cites criminal history of two cases against the applicant.

In reply, learned counsel for the applicant submits that applicant has been acquitted in both the matters vide judgment dated 27.02.2024

passed by JMFC, Mungaoli, District Ashok Nagar (M.P.) in RCT No.576/2018 and dated 12.07.2024 passed by I Additional Sessions Judge, Mungaoli, District Ashok Nagar (M.P.) in SC No.15/2020. He has never been convicted.

Heard learned counsel for the parties and perused the case diary.

Considering the arguments advanced by both the parties and overall circumstances of the case, but without commenting on merits of the case, this Court is inclined to release the applicant on bail. Thus, the application is allowed.

Accordingly, it is directed that **applicant - AMARPAL** shall be released on bail in relation to Crime No.104/2024 registered at Police Station Sahrai, District Ashoknagar (M.P.) for offence punishable under Sections 294, 506, 34, 307 of the IPC and Section 25/27 of Arms Act, upon furnishing a personal bond in the sum of **Rs. 1,00,000/- (Rs.One Lac Only)** with one solvent surety of the same amount to the satisfaction of the Trial Court, for compliance with the following conditions:-

- (1) Applicant shall remain present on every date of hearing as may be directed by the concerned court;
- (2) Applicant shall not commit or get involved in any offence of similar nature;
- (3) Applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them/him/her from disclosing such facts to the Court or to the police officer;
- (4) Applicant shall not directly or indirectly attempt to temper with the evidence or allure, pressurize or threaten the witness;
- (5) During trial, the applicant shall ensure due compliance of

provisions of Section 309 of Cr.P.C. regarding examination of witnesses in attendance.

This order shall be effective till the end of trial. However, in case of breach of any of the precondition of bail, the Trial Court may consider on merit cancellation of bail without any impediment of this order.

**The trial Court shall get these conditions reproduced on the personal bond by the accused and on surety bond by the surety concerned. If any of them is unable to write, the scribe shall certify that he had explained the conditions to the concerned accused or the surety.**

C.C. as per rules.

**(Sanjeev S. Kalgaonkar)**

**Judge**

**pd**