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**(2022) 05 MP CK 0010**

**Madhya Pradesh High Court**

**Case No:** Miscellaneous Criminal Case No.22407 Of 2022

Vijay Chandrawanshi

APPELLANT

Vs

State Of Madhya  
Pradesh

RESPONDENT

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**Date of Decision:** May 4, 2022

**Acts Referred:**

Code Of Criminal Procedure, 1973 & Section 439#Arms Act, 1959 & Section 25, 27

**Citation:** (2022) 05 MP CK 0010

**Hon'ble Judges:** Rajeev Kumar Dubey, J

**Bench:** Single Bench

**Advocate:** Pravesh Naveriya, K.K. Verma

**Final Decision:** Allowed

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### **Judgement**

Rajeev Kumar Dubey, J

Heard with the aid of case diary.

This is the first application under Section 439 of Cr.P.C for grant of bail. The applicant Vijay Chandrawanshi was arrested on 10/04/2022 in

connection with Crime No.249/2022 registered at Police Station Amarwara, Distt. Chhindwara (M.P.) for the offence punishable under Section 25/27

of Arms Act.

As per the prosecution case, on 10/04/2022, on the information of informant that the applicant Vijay Chandrawanshi has illegally kept one country

made pistol, Abhishek Pyasi, Sub-Inspector alongwith police force went to the spot and arrested him. On interrogation, he informed the police that co-

accused Arjun Dehariya gave him one country made pistol and one live cartridge. On that Police arrested co-accused Arjun Dehariya, he informed

the police that co-accused Vishal Banwari gave that pistol and live cartridge to him and he sold that pistol to co-accused Akash Chandrawanshi son of

Pannalal Chandrawanshi. On that Police arrested co-accused Akash son of Daresh Chandrawanshi & co-accused Akash son of Pannalal

Chandrawanshi and seized one country made pistol from the possession of co-accused Akash son of Daresh Chandrawanshi at his instance and also

seized one live cartridge from the possession of co-accused Akash son of Pannalal Chandrawanshi.

Learned counsel for the applicant submits that the applicant is innocent and has falsely been implicated in the offence. Nothing has been recovered

from the possession of the applicant. The applicant has been in custody since 10/04/2022 and conclusion of trial will take time, hence it is prayed that

the applicant be released on bail.

Learned counsel for the State opposed the prayer and submitted that applicant has criminal past, so he should not be released on bail

Looking to the facts and circumstances of the case, contention of learned counsel for the applicant and the fact that the alleged offences are triable by

Judicial Magistrate First Class, applicant is in custody since 10/4/2022 and conclusion of the trial will take time, without commenting on merits of the

case, the application is allowed and it is directed that the applicant be released on bail upon his furnishing personal bond in the sum of Rs.50,000/-(Rs.

Fifty Thousand Only) with surety in the like amount to the satisfaction of the concerned CJM/trial Court for his appearance before the trial Court on

all such dates as may be fixed in this behalf by the trial Court during the pendency of trial.

This order will remain operative subject to compliance of the following conditions by the applicant :-

1. The applicant will comply with all the terms and conditions of the bond executed by him;
2. The applicant will cooperate in the trial;

3. The applicant will not indulge himself in extending inducement, threat or promise to any person acquainted with the fact of the case so as to

dissuade him from disclosing such facts to the Court;

4. The applicant shall not commit an offence similar to the offence of which he is accused;

5. The applicant will not seek unnecessary adjournments during the trial; and

6. The applicant will not leave India without prior permission of the trial Court.

Ã, C.C. on payment of usual charges.