

Ramniwas @ Shera Gurjar Vs State Of Madhya Pradesh

Court: Madhya Pradesh High Court (Gwalior Bench)

Date of Decision: Nov. 10, 2022

Acts Referred: Code Of Criminal Procedure, 1973 " Section 439
Indian Penal Code, 1860 " Section 147, 148, 149, 294, 302, 307
Arms Act, 1959 " Section 25, 27

Hon'ble Judges: Gurpal Singh Ahluwalia, J

Bench: Single Bench

Advocate: Ravi Dwivedi, C.P.Singh

Final Decision: Allowed

Judgement

Gurpal Singh Ahluwalia, J

This fifth repeat application under Section 439 of Cr.P.C. has been filed for grant of bail. The fourth application was dismissed by order dated

15/03/2022 passed in MCRC No.12562/2022.

The applicant has been arrested on 26/10/2017 in connection with Crime No.88/2015 registered at Police Station Noorabad, District Morena for

offence under Sections 302, 307, 294, 147, 148, 149 of IPC and under Section 25/27 of the Arms Act.

This fifth application has been filed mainly on the ground that the co-accused Veerendra Singh Gurjar has been granted bail by order dated 30/09/2022

passed in SLP (CrI) No.6939/2022 and co-accused Mehtab Singh Gurjar has been granted bail by order dated 01/11/2022 passed in MCRC

No.52347/2022.

It is submitted by the counsel for the applicant that according to the prosecution case, the applicant had fired gunshot causing injury on the knee of

Vinod, whereas the gunshot fired by co-accused Veerendra Singh Gurjar had resulted in death of Bhura. Thus, the case of the applicant is on a better

footing than that of co-accused Veerendra. It is further submitted that the applicant is in jail from 26/10/2017 and still the trial has not reached to its

logical end.

Per contra, the application is vehemently opposed by the counsel for the State. However, it is submitted that the applicant has a criminal history and as

many as five more criminal cases have been registered against him.

Considering the fact that the co-accused Veerendra Singh Gujrar has been granted bail by the Supreme Court by order dated 30/09/2022 passed in

SLP (Crl) No.6939/2022 and the allegation against the applicant is that gunshot fired by him had caused injury to Vinod and no distinguishable feature

could be pointed out by the counsel for the State and without commenting on the merits of the case, the application is allowed. It is directed that the

applicant be released on bail on furnishing a personal bond in the sum of Rs.1,00,000/-(Rupees One Lac) with one surety in the like amount to the

satisfaction of the Trial Court/Committal Court to appear before the Court on the dates given by the concerned Court.

It is further directed that the applicant shall appear before the S.H.O. Police Station Noorabad, District Morena on 1st of every month during the

pendency of the Trial. In case of bail jump or non-appearance of the applicant before the police station as directed by this Court, this order shall lose

its effect.

In the light of the judgment passed by the Supreme Court in the case of Aparna Bhat and others Vs. State of M.P. Passed on 18.03.2021 in Criminal

Appeal No. 329/2021, the intimation regarding grant of bail be sent to the complainant.

Certified copy as per rules.