

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

HON'BLE SHRI JUSTICE ANAND PATHAK

ON THE 18th OF OCTOBER , 2022

REG. CRIMINAL CASE NO. 0864/2022

Between:-

**INDRABHAN SINGH GURJAR S/O SHRI DURGA
GURJAR, AGED 50 YEARS, OCCUPATION
-AGRICULTURIST, R/O VILLAGE KASWANAGAR,
CHILLIPURA, POLICE STATION DANGBASAI,
DISTRICT DHOLPUR (RAJASTHAN)**

.....APPLICANT

(BY SHRI RAMESHWAR RAWAT - ADVOCATE)

AND

**THE STATE OF MADHYA PRADESH THROUGH
POLICE STATION BAMHARI DISTRICT
SHIVPURI (MADHYA PRADESH)**

.....RESPONDENT

(BY SHRI BPS CHAUHAN – PUBLIC PROSECUTOR)

This application coming on for orders this day, the court passed the following:

ORDER

With consent heard finally.

The applicant has filed this first bail application u/S.439 Cr.P.C for grant of bail. Applicant has been arrested on 11/06/2022 by Police Station Bamhari, District Shivpuri, in connection with Crime No.8/2020 registered for offence punishable under Sections 147, 148, 149, 294, 307, 387, 506 and 395 of IPC and 11/13 of MPDVPK ACT and 25/27 of Arms Act.

It is the submission of learned counsel for the applicant that applicant is suffering confinement since 11/06/2022 and charge-sheet has already been filed. It is further submitted that only source of implication is memo under

Section 27 of Evidence Act. In Test Identification Parade (TIP), applicant was not identified by the complainant. He bears criminal record of 6 cases. Counsel for the applicant further submits that co-accused Ramkesh Gurjar has been enlarged on bail vide order dated 14.06.2022 in MCRC.No.25320/2022 and seeks parity. He intends to mend his ways to become a better citizen therefore, a chance be given to reform himself. Confinement since 14/06/2022 amounts to pretrial detention. He undertakes to cooperate in trial. Thus, he prayed for bail.

Counsel for the State opposed the prayer and prayed for dismissal of application.

At this stage, learned counsel for the applicant submitted that applicant has regret for the proceedings undertaken involving the State Machinery (Police, Prosecution and the Court) and for that applicant intends to do some social service by way of donating toys at five Aanganwadi Kendra at Magarouni, District Shivpuri.

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

Considering the submissions and the fact situation of the case, without commenting on the merits of the case, this Court intends to allow this application but with certain stringent condition as per the spirit echoed in the order of **Sunita Gandharva Vs. State of M.P.** reported in **2020 (3) MPLJ (Cri.) 247**, it is hereby directed that the applicant shall be released on bail, on his furnishing personal bond of **Rs.50,000/- (Rupees Fifty Thousand only)** with two solvent sureties of like amount, out of which one should be cash surety and another should be a local surety, to the satisfaction of trial Court.

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

1. The applicant will comply with all the terms and conditions of the bond executed by him;
2. The applicant will cooperate in the investigation/trial, as the case may be;
3. The applicant will not indulge himself in extending inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or to the Police Officer, as the case may be;
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;
6. The applicant will not leave India without previous permission of the trial Court/Investigating Officer, as the case may be; and
7. The applicant shall mark his appearance before the concerned police station once in every 15 days between 11.00 am to 2.00 pm till conclusion of trial.

As per undertaking given by the applicant, applicant shall donate toys at five Aanganwadi Centres in the vicinity where he lives or vicinity of Police Station Magarouni, District Shivpuri so that toddlers/young children of rural areas may able to play with those toys in Aanganwadi Kendra. A compliance report shall be submitted mentioning the names of toys supplied to all the Aanganwadi alongwith photographs before the trial Court within a period of fifteen days from the date of release.

This direction is made by this Court as a test case to address the Anatomy of Crime, Violence and Evil by process of Creation and a step towards Alignment with Nature. The natural instinct of compassion, service, love and mercy needs to be rekindled for human existence as they are

innately engrained attributes of human existence.

It is expected from the appellant that he shall submit photographs by downloading the mobile application **(NISARG App)** prepared at the instance of High Court for monitoring the same through satellite/Geo-Tagging.

Application stands allowed and disposed of.

Copy of this order be sent to the trial Court concerned for compliance from the office of this Court.

Certified copy as per rules/directions.

(Anand Pathak)
Judge

jps/-

JAI
PRAKASH
SOLANKI