Shivam @ Tikki Goswami vs The State Of Madhya Pradesh on 17 March, 2025

Author: Dinesh Kumar Paliwal

Bench: Dinesh Kumar Paliwal

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                                    NEUTRAL CITATION NO. 2025:MPHC-JBP:13058




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                           IN       THE    HIGH COURT OF MADHYA PRADESH
                                             AT JABALPUR
                                               BEFORE
                           HON'BLE SHRI JUSTICE DINESH KUMAR PALIWAL
                                   ON THE 17th OF MARCH, 2025
                               MISC. CRIMINAL CASE No. 10620 of 2025
                                    SHIVAM @ TIKKI GOSWAMI
                                           Versus
                              THE STATE OF MADHYA PRADESH
                    Appearance:
                        Shri Akhilesh Kumar Mishra - Advocate for the applicant.
                        Shri A.N. Gupta - Government Advocate for the respondent/S

                                                     ORDER
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This is first bail application filed by the applicant under Section 483 of BNSS, 2023 for grant of regular bail in relation to FIR No.155/2025, dated 18.02.2025 registered at Police Station-Civil Line, District - Chhatarpur (M.P.) for commission of offence punishable under Section 109 of Bhartiya Nyaya Sanhita, 2023 and Sections 5/25, 25/27 of the Arms Act. Applicant is in detention since 20.02.2025.

2 As per the prosecution story, on 18.02.2025, Mithilesh Dwivedi lodged FIR stating that he is a driver. Four-five months ago, he had scolded Dinkar Goswami for unnecessarily roaming without any work. It is alleged that on 18.02.2025 at around 12:00 o'clock, he alongwith his friends Shubham Mishra and Suryansh Sen was talking at Muktidham Tiraha, Sagar Road. In the meantime, Dinkar Goswami came and on account of old enmity brandished country made revolver on him. When he attempted to catch the NEUTRAL CITATION NO. 2025:MPHC-JBP:13058 2 MCRC-10620-2025 revolver, he fired shot, but same got missed. In scuffle, he obtained injuries on his palm and little finger of left hand. FIR was registered. In the course of investigation, it revealed that Dinnar Goswami had purchased country made revolver (Katta) from some person and that person had purchased it from some other person and that person had purchased the same from some other person and on basis of that memorandum, present applicant has been enroped as accused. After investigation, charge-sheet has been filed.

3. Learned counsel for the applicant has submitted that applicant is in detention since 20.02.2025. He has not committed any offence. He is innocent. He has been falsely implicated. No firearms has been seized from him. There is no allegation against him about attempting to commit murder of anyone. Final conclusion of the trial of the case will take considerable time. It is contended that co-accused Saheed Mansoori has already been released on bail by this Court vide order dated 10.03.2025 passed in M.Cr.C. No.10603 of 2025. Therefore, it is prayed that applicant may be released on bail, pending the trial.

4 . On the other hand, learned counsel for the State has opposed the prayer for grant of bail to the applicant.

5 Having taken into consideration all the facts and circumstances of the case including the submissions put-forth by learned counsel for the applicant and the fact that final conclusion of the trial of case will take considerable time, but without expressing anything on the merits of the case, I am of the view that it is a case in which further pre-trial detention of the NEUTRAL CITATION NO. 2025:MPHC-JBP:13058 3 MCRC-10620-2025 applicant is not warranted. Consequently, this bail application under Section 483 of BNSS, 2023 for grant of bail filed on behalf of applicant, stands allowed.

6 . It is directed that applicant - Shivam @ Tikki Goswami be released on bail on his furnishing a personal bond in the sum of Rs.50,000/- (Rupees Fifty thousand only) with one solvent surety in the like amount to the satisfaction of the trial Court, for his regular appearance before the trial Court during trial with a condition that he shall remain present before the concerned Court on all the dates fixed by it during trial. He shall abide by all the conditions enumerated under Section 480(3) of BNSS, 2023.

7 . This order shall be effective till the end of the trial. However, in case of bail jump and breach of any of the conditions of bail, it shall become ineffective.

Certified copy as per rules.

(DINESH KUMAR PALIWAL) JUDGE DV