

# Rakesh vs The State Of Madhya Pradesh on 23 January, 2025

NEUTRAL CITATION NO. 2025:MPHC-IND:1771

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IN THE HIGH COURT OF MADHYA PRADESH  
AT INDORE  
BEFORE  
HON'BLE SHRI JUSTICE BINOD KUMAR DWIVEDI  
ON THE 23rd OF JANUARY, 2025  
MISC. CRIMINAL CASE No. 2640 of 2025  
RAKESH  
Versus  
THE STATE OF MADHYA PRADESH  
Appearance:  
Shri Daniel Robert, learned counsel for the applicant  
Shri Rahul Solanki, learned Government Advocate for  
State.

## ORDER

This first bail application under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (equivalent to Section 439 of Cr.P.C.) has been filed by the applicant Rakesh S/o Mohanlal Nayak for grant of regular bail, who has been arrested on 04/10/2024 in connection with Crime No.185/2024 registered at Police Station Nayi Abadi, District Mandsaur (M.P.) for commission of offences under Sections 109 and 3(5) of Bhartiya Nyaya Sanhita, 2023 and Sections 25 and 27 of Arms Act, 1959.

2. Learned counsel for the applicant submits that the applicant is innocent and has falsely been implicated in the crime. There is no sufficient evidence available on record to establish the complicity of the accused with the alleged crime. It is submitted that the present applicant has not assaulted injured complainant Krishnapal. Applicant has been arrested on 04/10/2024 NEUTRAL CITATION NO. 2025:MPHC-IND:1771 2 MCRC-2640-2025 and since then he is in jail. It is further submitted that on similar set of circumstances, co-accused Rohit @ Roopchand has been enlarged on bail by this court on 07.01.2025 in MCRC No.52126/2024. Investigation is complete and charge sheet has been filed. There is no likelihood of his absconsion leaving his family, home and profession and also there is no likelihood of tampering with evidence by applicant. Final conclusion of the trial will take considerable long time, therefore, learned counsel prays for allowing the bail application and for grant of bail.

3. Per contra, learned counsel for the respondent / State has vehemently opposed the prayer on the ground that two country-made pistols have been seized from the possession of the present applicant, therefore, prays for dismissal of the bail application.

4. Heard learned counsel for the parties and perused the case diary.
5. In the aforesaid factual backdrop, this Court is inclined to grant benefit of bail to the applicant. Accordingly, without commenting on the merits of the case, the bail application is allowed.
6. It is directed that the applicant be released on bail upon his furnishing personal bond in the sum of Rs.50,000/- (Rupees Fifty Thousand Only) with separate solvent surety in the like amount to the satisfaction of the trial Court, for his regular appearance before the concerned Court on all the dates fixed by the said Court, without any default, during trial. He shall abide by all the conditions enumerated under Section 480(3) of BNSS.
7. The applicant will not indulge himself in any criminal activity in future. This order shall be effective till the end of the trial, however, in case NEUTRAL CITATION NO. 2025:MPHC-IND:1771 3 MCRC-2640-2025 of bail jump and / or breach of any of the conditions of bail, this order will come to an end and applicant will be liable to be arrested by the concerned authorities.
8. The concerned Court shall get the 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.
9. Accordingly, this M.Cr.C. stands allowed and disposed off. Certified copy as per rules.

(BINOD KUMAR DWIVEDI) JUDGE Anushree