

Rahul Raikwar vs The State Of Madhya Pradesh on 22 August, 2024

Author: Maninder S. Bhatti

Bench: Maninder S. Bhatti

NEUTRAL CITATION NO. 2024:MPHC-JBP:41773

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IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR
BEFORE
HON'BLE SHRI JUSTICE MANINDER S. BHATTI
ON THE 22nd OF AUGUST, 2024
MISC. CRIMINAL CASE No. 34148 of 2024
RAHUL RAIKWAR
Versus
THE STATE OF MADHYA PRADESH
Appearance:
Shri D.K. Shah - Advocate for the applicant.
Shri Vinod Mishra - Panel Lawyer for the State.

ORDER

This is first bail application filed by the applicant under Section 483 of the Bharatiya Nagrik Suraksha Sanhita, 2023 for grant of regular bail relating to FIR/Crime No.271/2024 registered at Police Station Ganj District Betul for the offences punishable under Sections 25, 27 of the Arms Act, Section 111 of the Bharatiya Nyay Sanhita, 2023 and Section 14 of M.P. Rajya Suraksha Adhiniyam, 1990.

2. The counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the case. There is allegation of seizure of country made pistol from the applicant. The offence under Section 111 of Bhartiya Nyay Sanhita has also been registered against the applicant whereas no offence within the ambit of Section 111 of Bhartiya Nyay Sanhita has been made out. It is further contended that in order to attract Section 111 of Bhartiya Nyay Sanhita, there has to be an allegation of violence, threat of violence, intimidation, coercion or obtaining of financial or material benefit NEUTRAL CITATION NO. 2024:MPHC-JBP:41773 2 MCRC-34148-2024 directly or indirectly. No such allegations are there against the applicant in the present case. The applicant has been arrested on account of seizure of country made pistol. It is further submitted that the applicant is in custody since 20.7.2024. The applicant is not required for further custodial interrogation. Trial would take considerable time to conclude, therefore, the applicant be released on bail.

3. The counsel for the State has opposed the application and submitted that in past as many as 10 cases have been registered against the applicant, which reflects that the applicant is a habitual offender and engaged in committing similar kind of offences repeatedly. Therefore, taking into consideration, the past record of the applicant, he is not entitled to be released on bail.

4. Heard the submissions and perused the case diary.

5. On perusal of the case diary, it reflects that in the present case, the only allegation against the applicant is of seizure of a country made pistol. So far as previous cases are concerned, the cases were registered against the applicant in the year 2020, 2021, 2022, 2023 and 2024 under Sections 294, 323, 506, 34. So far as offence under Section 14 of M.P. Rajya Suraksha Adhiniyam is concerned, the same has been registered against co-accused Jitendra Harode and not against the present applicant 6 . Thus, looking to the totality of the facts and circumstances of the case, the nature of allegation in the present case and period of custody of the applicant, this Court finds it to be a fit case to release the applicant on bail. Therefore, without commenting on the merit of the case, the application is NEUTRAL CITATION NO. 2024:MPHC-JBP:41773 3 MCRC-34148-2024 allowed.

7. It is directed that applicant Rahul Raikwar shall be released on bail on furnishing a personal bond in a sum of Rs.50,000/- (Rupees Fifty Thousand Only) with one surety in the like amount to the satisfaction of the trial Court concerned for his appearance before the said Court on all such dates as may be fixed by that Court in this regard during the pendency of trial.

8. It is further directed that the applicant shall comply with the provisions of Section 480(3) of the Bharatiya Nagrik Suraksha Sanhita, 2023.

(MANINDER S. BHATTI) JUDGE PB