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**IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR**

**BEFORE
HON'BLE SHRI JUSTICE DINESH KUMAR PALIWAL**

ON THE 19th OF DECEMBER, 2023

MISC. CRIMINAL CASE No. 52107 of 2023

BETWEEN:-

**SUNIL GUPTA, S/O SHRI KARODILAL GUPTA, AGED
ABOUT 42 YEARS, OCCUPATION: PRIVATE JOB R/O
HARISHYAM PUARAM PS ORCHHA DISTRICT SATNA
(MADHYA PRADESH)**

.....APPLICANT

(BY SHRI OMSHANKAR PANDEY - ADVOCATE)

AND

**THE STATE OF MADHYA PRADESH THROUGH POLICE
STATION CITY KOTWALI DISTRICT CHHATARPUR
(MADHYA PRADESH)**

.....RESPONDENT

(BY SHRI N.S. SOLANKI - PANEL LAWYER)

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

ORDER

This is first bail application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail relating to FIR No.514/2023 dated 29.07.2023, registered at Police Station - City Kotwali, Chhatarpur District - Chhatarpur for commission of offence under Sections 302, 201, 34 of IPC, Section 25, 27 of Arms Act and 3/181, 5/180, 39/192, 146/96 of the Motor Vehicles Act. He is in detention since 29.07.2023.

2. As per the prosecution story, on 28.07.2023, at around 7:30 P.M., Nishant Goutam informed police that he resides behind Regency Hotel in

Vishwanath colony and works in stock market. His sister Nishanki had entered into wedlock with Golu @ Manish Vishwakarma. Relations between Nishanki and her husband Golu are not cordial and they are at loggerhead. It is alleged that today at around 2:00 PM he along with his friend Madhukar Pandey from his motorcycle had gone to Naugaon. His father was at home. At around 6:15 P.M. when he came back to the home he found Keerti Vardhan Baghel, Govind Tiwari and others standing outside the home. His father was lying outside the home. Blood was lying inside the home. He had died. His father was murdered by someone. FIR was registered. In the course of investigation, it was found that Golu @ Manish Vishwakarma along with his friend Virendra Ahirwar and Aman Gupta murdered Jagdish Goutam. One TVS motorcycle, blood stained clothes were seized from Golu @ Manish Vishwakarma. The allegations against the present applicant Sunil is that he helped Aman Gupta to conceal Gupti (long knife) used in the murder of the deceased Jagdish Goutam. After investigation, charge sheet has been filed.

3. Learned counsel for the applicant has submitted that applicant has not committed any offence. He is innocent. He has been falsely implicated. The only allegation against the present applicant is of helping Aman Gupta in concealing the weapon used in the commission of the offence. An offence under Section 201 of IPC would be made out. 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 but has fairly admitted that the only allegation against the present applicant is that of screening evidence.

5. Having taken into consideration the totality of allegations against the present applicant and the fact that there is no allegation against him about doing

any act in furtherance of commission of murder of the deceased, but without expressing any opinion on the merits of the case, I am of the view that it is a case in which applicant may be released on bail. Consequently, this first bail application under Section 439 of the Code of Criminal Procedure for grant of bail filed on behalf of applicant, stands **allowed**.

6. It is directed that **applicant - Sunil Gupta** be released on bail on his furnishing a personal bond in the sum of **Rs.50,000/- (Rupees Fifty Thousand only)** 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 437(3) of Cr.P.C.

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