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MCRC-6344-2026

IN THE HIGH COURT OF MADHYA PRADESH
AT GWALIOR

BEFORE

HON'BLE SHRI JUSTICE MILIND RAMESH PHADKE

ON THE 9th OF FEBRUARY, 2026MISC. CRIMINAL CASE No. 6344 of 2026*BHOLA GURJAR**Versus**THE STATE OF MADHYA PRADESH*

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Appearance:

Shri Pradeep Katare - Advocate for the applicant.

Shri Mohit Shivare - Public Prosecutor for the State.

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ORDER

This is the first application under Section 483 of BNSS filed by the applicant for grant of bail. He has been arrested on 21.02.2025 in connection with Crime No.28 of 2025 by Police Station Umri, District Bhind (MP) for the offence punishable under Sections 109(1), 132, 3(5) of BNS, 2023 read with Sections 25, 27 of the Arms Act.

As per the prosecution story, on the intervening night of 20–21.02.2025, Inspector Shivpratap Singh Rajawat of Police Station Umri received secret information through an informer that the accused persons involved in Crime No. 27/2025 of Police Station Umri might be moving in and around the police station limits. The said information was conveyed to senior officers, and necessary directions were obtained. Pursuant to the orders of the Superintendent of Police, the Deputy Superintendent of Police, CSP In-charge Deepak Tomar, along with the force from his office; the



Station House Officer, Kotwali, Brijendra Singh Sengar, with his police force; the Station House Officer, Bharoli, Girish Sharma, with his police force; and the Station House Officer, Nayagaon, Sohanish Tomar, with his police force, assembled at Police Station Umri. The DSP Headquarters constituted three teams —Team A, Team B, and Team C—and dispatched them to different areas for searching the accused persons. During the course of checking, at about 04:00 AM, information was received that Team A, led by Inspector Brijendra Singh Sengar along with his accompanying force, was chasing a suspicious blue Hyundai i10 car bearing registration number MP-07/CL-1883, which was suspected to be carrying the accused persons Bhola, Anuj, and Gajendra. For the purpose of arresting the said accused, Inspector Shivpratap Singh Rajawat, along with Sub-Inspector Amit Sikarwar, Station House Officer Nayagaon Sub-Inspector Sohanish Tomar, and other police personnel, proceeded towards Gram Rur Bochra, Vilay, Sikahata, and further towards Nunhata, to lay a cordon. When Team B reached near village Sikahata ahead of Vilay and began search and blockade operations, Team C and the night patrol officer also arrived from behind. A suspicious car was then seen speeding from the direction of village Nunhata, with the police vehicle of Team A following it. Team B and Team C attempted to block the road and stop the vehicle. While attempting to block the road with police vehicles, the driver of the suspicious car diverted the vehicle towards the embankment (har) of village Sikahata, causing the car to get stuck in a ditch. The accused persons alighted from the car and started fleeing. Teams A, B, and C chased the accused to apprehend them. During the chase, the three



accused, one after another, fired at the police party with the intention to kill. One bullet struck the official vehicle of the DSP. Despite repeated warnings and instructions by the team leaders for the accused to surrender, the accused again fired shots towards the police party. In retaliatory action, in exercise of the right of self-defence, the DSP fired one round, Inspector Shivpratap Singh Rajawat fired one round, the Station House Officer Bharoli fired one round, the Station House Officer Nayagaon fired one round, and the Station House Officer Kotwali fired one round from their respective service pistols. Thereafter, the police team heard the accused shouting that they had sustained gunshot injuries. On this, the DSP ordered the cessation of firing and instructed the teams to advance cautiously. Upon searching the area using a searchlight from behind an earthen mound, two accused were found lying at a short distance, groaning in pain, with bleeding visible from their legs. On being asked their names and addresses, they disclosed their identities as Anuj Rajawat, son of Shivbhan Rajawat, resident of Bagiyapura, Police Station Raun, and Bhola Gurjar, son of Nathoo Gurjar, resident of Parsen, Gwalior. They admitted their involvement in the offence, expressed their willingness to surrender, and requested to be taken to the hospital at the earliest. Accordingly, they were sent to the hospital under the supervision of Team A and accompanying police personnel. Upon further inspection of the ditch, another accused was found, who disclosed his name as Gajendra Bhadauria, son of Vain Singh Bhadauria, resident of Raipura Machhand. He stated that he had not been hit by a bullet and had sustained injuries due to falling from the car. From the possession of accused Gajendra



Bhadauria, one country-made pistol (katta), one empty cartridge case, and one live cartridge of .315 bore were seized. On inspection of the place of occurrence, two .315 bore country-made pistols, two empty cartridge cases, two live cartridges, blood-stained soil, and plain soil were seized. Thereafter, on returning to the police station, Crime No. 28/2025 was registered at Police Station Umri against the accused persons under Sections 109(1), 132, and 3(5) of the Bharatiya Nyaya Sanhita. After completion of investigation, the charge-sheet was filed before the Court, which was registered as Sessions Case No. 49/2025 and is presently pending trial before this Court.

Learned counsel for the applicant submits that the applicant has been falsely implicated in the present case and has been made an accused on the basis of a routine and exaggerated police version. Even if the prosecution story is taken at its face value, the same does not disclose any specific overt act attributable to the present applicant. It is further submitted that the applicant has sustained a gunshot injury on his leg, which is admittedly a non-vital part of the body. This circumstance itself indicates that the applicant was not posing any imminent threat to the police party. Significantly, despite the serious allegation that the accused persons repeatedly fired upon the police with an intention to kill, not a single injury has been caused to any member of the police party. No injury report of any police personnel has been placed on record, which renders the prosecution story of a life-threatening attack highly doubtful and exaggerated. It is further submitted that no firearm, ammunition, or any other incriminating article has been recovered from the possession of the present applicant. All alleged



recoveries have been shown only from the co-accused Gajendra Bhadauria. The role attributed to the applicant is thus vague, general, and omnibus, and does not justify his continued incarceration. It is also submitted that the entire prosecution case rests solely on the statements of police officials, who are interested witnesses. No independent public witness has been cited or examined, despite the alleged incident having taken place in an open area near villages, which seriously dents the credibility of the prosecution version. The applicant is in custody since 20.02.2025. It is further submitted that the investigation in the present case has already been completed and the charge-sheet has been filed. No further custodial interrogation of the applicant is required, and his continued detention would serve no useful purpose. The trial is likely to take considerable time to conclude, and continued incarceration would amount to pre-trial punishment, which is impermissible in law and violative of Article 21 of the Constitution of India. It is further submitted that the applicant is a permanent resident of District Gwalior, and there is no likelihood of his absconding or tampering with the prosecution evidence. He is ready and willing to abide by any terms and conditions that may be imposed by this Court. With these submissions, a prayer for grant of bail is made.

Conversely, learned counsel for the State has vehemently opposed the application and prayed for its rejection, considering the nature and gravity of the offence, as well as the fact that the applicant has as many as eighteen criminal antecedents.

Considering the totality of the facts and circumstances of the case and



keeping in view the fact that the trial is not likely to conclude in the near future and prolonged pre- trial detention being an anathema to the concept of liberty, this Court is inclined to extend the benefit of bail to the applicant. Accordingly, without commenting on merits of the case, this bail application is **allowed**. It is directed that the applicant be released on his furnishing a personal bond in the sum of Rs.50,000/- (Rs. Fifty Thousand Only) with one solvent surety in the like amount to the satisfaction of the concerned trial Court for his appearance before it on the dates given by the concerned Court, subject to compliance of the following conditions by the applicant:-

i) The applicant will comply with all the terms and conditions of the bond executed by him;

ii) The applicant will cooperate in the investigation/trial, as the case may be;

iii) 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 him from disclosing such facts to the Court or to the Police Officer, as the case may be;

iv) The applicant shall not commit any other offence during pendency of the trial, failing which this bail order shall stand cancelled automatically, without further reference to the Bench;

(v) The applicant will not seek unnecessary adjournments during the trial; and



(vi) The applicant will not leave India without previous permission of the trial Court/Investigating Officer, as the case may be.

(v) The applicant shall mark his presence before the concerned Station House Officer of the concerned Police Station once every fortnight (i.e., every fifteen days) between 10:00 AM and 12:00 noon, till the conclusion of the trial.

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

Certified copy as per rules.

(MILIND RAMESH PHADKE)
JUDGE

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