

THE HIGH COURT OF MADHYA PRADESH**M.Cr.C. No. 14488/2020***Sugriv & another Vs. State of M.P.*

Gwalior, Dated:-02/06/2020

Shri R.V.S. Ghuraiyya, learned counsel for the applicants.

Shri C.P. Singh, learned Panel Lawyer for the respondent/State.

Shri P.S. Bhadoriya and Shri Anshu Gupta, learned counsel for the complainants.

Matter is heard through video conferencing.

The applicants have filed this first bail application under Section 438 of Cr.P.C. for grant of anticipatory bail.

The applicants apprehend their arrest in connection with Crime No.137/2020 registered at Police Station Kotwali, District Sheopur (M.P.) in relation to the offence punishable under Sections 341, 324, 323, 294, 506 read with Section 34 of IPC and added Section 326 of IPC.

It is submitted by learned counsel for the applicants that the applicants have not committed any offence. They have falsely been implicated in this case. It is further submitted that cross-case has got been registered by the present applicants against the complainants of this case. It is also submitted that complainants were aggressor and they have committed murder of one Shambhu Singh, who is the relative of the present applicants. Initially, the case was registered under Sections 341, 324, 323, 294, 506, read with Section 34 of IPC, thereafter, Section 326 of IPC was enhanced. The FIR of cross-case

THE HIGH COURT OF MADHYA PRADESH**M.Cr.C. No. 14488/2020***Sugriv & another Vs. State of M.P.*

against the complainants was lodged on the very same day, whereas present case was registered after two days of the incident. It is also submitted that offence has been committed by the complainants of this case and false FIR has got been registered against the present applicants. Hence, prayed to grant anticipatory bail to the present applicants.

Learned State counsel as well as learned counsel for the complainants have opposed the prayer and have submitted that complainants were not aggressor, rather present applicants and their companions were aggressor. The offence has been registered against the present applicants under Sections 341, 324, 323, 294, 506, 34, 326 of IPC and offence under Sections 302, 307 of IPC has also been registered against the complainants in counter-case. It is further submitted that there was dispute between the complainants and present applicants with regard to harvesting of crops. Hence, prayed to reject the anticipatory bail application of the applicants.

Heard learned counsel for the parties at length through VC and considered the arguments advanced by them and perused the case diary.

It is apparent from record that counter-case has been registered against both the parties. One case is registered under Sections 341, 324, 323, 294, 506, 34, 326 of IPC and another case is registered

THE HIGH COURT OF MADHYA PRADESH**M.Cr.C. No. 14488/2020***Sugriv & another Vs. State of M.P.*

under Sections 302, 307 of IPC. Therefore, looking to the allegations levelled against the applicants and the facts and circumstances of the case, at this stage, it is not appropriate to grant the benefit of anticipatory bail to the applicants.

Consequently, this application stands **rejected** with liberty to the applicants to file fresh application.

E- copy of this order be sent to the trial Court concerned for compliance, if possible for the office of this Court.

(Rajeev Kumar Shrivastava)
Judge

*Shubhankar**