

1
**IN THE HIGH COURT OF MADHYA PRADESH
AT GWALIOR**

**BEFORE
HON'BLE SMT. JUSTICE SUNITA YADAV**

ON THE 30th OF NOVEMBER, 2022

MISC. CRIMINAL CASE No. 51112 of 2022

BETWEEN:-

**SAURABH S/O VEERENDRA SINGH BUNDELA, AGED
ABOUT 28 YEARS, GRAM BHADOL THANA INDARGARH
DISTRICT DATIA (MADHYA PRADESH)**

.....PETITIONER

(SHRI SHEESHU YADAV, LEARNED COUNSEL FOR THE PETITIONER).

AND

**THE STATE OF MADHYA PRADESH INCHARGE POLICE
STATION THROUGH POLICE THANA INDARGARH
(MADHYA PRADESH)**

.....RESPONDENTS

***(MS. ABHA MISHRA - PUBLIC PROSECUTOR FOR THE RESPONDENT -
STATE)***

.....

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

ORDER

The applicant has filed this First application u/S 439, Cr.P.C. for grant of bail.

The applicant has been arrested by Police Station Indargarh, District Datia in connection with crime No. 222/2022 registered for the offence punishable under Section 323, 294, 506, 34 added sections 325, 326 of IPC.

Allegations against the applicant/accused, in short, are that he along with other co-accused persons caused grievous injuries to the victim Monu on account of previous enmity.

Learned counsel for the applicant argued that applicant is an innocent person and has been falsely implicated. He further argued that applicant is the only earning member of his family. He further argued that as per prosecution story as well as statements of eye-witnesses, the injuries sustained by the victim was caused by handle of the Axe and not by sharp end of the Axe, therefore, at the most offence punishable under section 325 of IPC may be constituted against the applicant which is bailable in nature. The applicant has no criminal antecedents. The applicant is in custody since 23/08/2022. Charge sheet has since been filed and further custodial interrogation of the applicant may not be required. The applicant is permanent resident of District Datia. Conclusion of trial is likely to take time and there is no likelihood of his absconsion, if released on bail. On these grounds, he prays for grant of bail to the applicant.

On the other hand, learned State counsel vehemently opposed the application and prayed for its rejection.

Heard learned counsel for the rival parties and perused the case diary available on record.

Considering the overall facts and circumstances of the case, but without expressing any opinion on merits of the case, this application is allowed and it is directed that the applicant be released on bail on furnishing a personal bond in the sum of **Rs. 1,00,000/- (Rupees One Lakh only)** with two local solvent sureties in the like amount to the satisfaction of the trial Court/committal Court.

This order will remain operative subject to compliance of the following conditions by the applicant:-

- 1) The applicant will comply with all the terms and conditions of the bond executed by him/her;
- 2) The applicant will cooperate in the investigation/trial, as the case may be;

- 3) The applicant will not indulge himself/herself in extending inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to the Police Officer, as the case may be;
- 4) 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.
- 5) The applicant will not seek unnecessary adjournments during the trial; and
- 6) The applicant will not leave India without previous permission of the trial Court/Investigating Officer, as the case may be.

Learned State counsel is directed to send an e-copy of this order to the Station House Officer of the concerned Police Station for information and necessary action.

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

Certified copy as per rules.

(SUNITA YADAV)
JUDGE

Durgekar