

IN THE HIGH COURT OF MADHYA PRADESH

AT GWALIOR

BEFORE

HON'BLE SHRI JUSTICE ATUL SREEDHARAN

ON THE 30TH OF JANUARY, 2023

MISC. CRIMINAL CASE No. 4740 OF 2023

BETWEEN:-

**HARIOM SHARMA S/O SHRI
MATAPRASAD SHARMA, AGED 45 YEARS,
R/O VILLAGE KUKAVAR, DISTRICT
AGRA, PRESENTLY RESIDING AT
MORENA ROAD, JAURA, DISTRICT
MORENA (MADHYA PRADESH)**

.....APPLICANT

(BY SHRI SANJAY SINGH - ADVOCATE)

AND

**THE STATE OF MADHYA PRADESH
THROUGH POLICE STATION CIVIL
LINES, DISTRICT MORENA (MADHYA
PRADESH)**

.....RESPONDENT

(BY SHRI APS TOMAR – PANEL LAWYER)

AND

MISC. CRIMINAL CASE No. 2326 OF 2023

BETWEEN:-

**1. VEDPRAKASH KUSHWAH ALIAS
BADAL, S/O SHRI SUMER SINGH, AGED 35**

YEARS, R/O MANGAL VIHAR COLONY,
DHOLPUR, (RAJASTHAN).

2. MANOJ KOLI S/O SHRI PRARMODI,
AGED 38 YEARS, R/O NAYA BANS,
GUMARBADI, DISTRICT DHOLPUR
(RAJASTHAN)

.....APPLICANTS

(BY SHRI SARANG GUPTA - ADVOCATE)

AND

THE STATE OF MADHYA PRADESH
THROUGH POLICE STATION CIVIL
LINES, DISTRICT MORENA (MADHYA
PRADESH)

.....RESPONDENT

(BY SHRI APS TOMAR – PANEL LAWYER)

These applications coming on for admission this day, the court passed the following:

ORDER

This **first** application under Section 439 of the Code of Criminal Procedure, 1973 has been filed for grant of bail to applicants Hariom Sharma, Vedprakash and Manoj Koli, in connection with Crime No. 1292/2022 for the offences punishable under Sections 307, 34 of IPC registered at Police Station Civil Lines, District Morena.

The applicant- Hariom is in judicial custody in the aforesaid case since 19/12/2022 and applicants-Vedprakash and Monoj are in judicial custody since 20/12/2022 in the aforesaid case. The allegation against them is that they were members of a group which assaulted and caused injury to complainant. Admittedly, name of applicant Hariom has not been mentioned in the FIR. His name has been taken by co-accused persons in the memo under Section 27 of

Evidence Act.

Under the circumstances, application of applicant Hariom Sharma is allowed. It is directed that the applicant herein shall be enlarged on bail upon his furnishing a personal bond in the sum of **Rs.50,000/- (Rupees Fifty Thousand Only)** with one solvent surety in the like amount to the satisfaction of the learned trial court.

Applicants **Vedprakash and Monoj** have been named in the FIR and their presence has been given by the complainant in the FIR. The allegation of having suffered the gunshot injury is omnibusly attributed to all the applicants. Specific role to the applicants herein has not been attributed of having caused the said injury. There is no allegation of them having either assaulted of the complainant or causing any injury other than the gunshot injury. Learned counsel for the applicants have also stated that no firearm has been recovered from the applicants- Vedprakash and Manoj after their arrest.

Under the circumstances, looking at the period of incarceration undergone by them and the fact that charge-sheet has already been filed,, the application is allowed. It is directed that the applicant herein shall be enlarged on bail upon their furnishing a **personal bond in the sum of Rs.50,000/- (Rupees Fifty Thousand Only) each with one solvent surety** each in the like amount to the satisfaction of the learned trial court.

Certified copy as per rules.

(Atul Sreedharan)
Judge

jps/-