

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

BEFORE

HON'BLE SHRI JUSTICE ANAND PATHAK

ON THE 25th OF OCTOBER, 2024

MISC. CRIMINAL CASE No. 43525 of 2024

IMRAN KHAN

Vs.

STATE OF MADHYA PRADESH

APPEARANCE:

***Shri Arvind Singh Chauhan – Advocate for the applicant.
Shri VPS Tomar – Panel Lawyer for the respondent/State.***

ORDER

1. The applicant has filed this second bail application u/S.483 Bhartiya Nagrik Suraksha Sanhita, 2023 (Section 439 of IPC) for grant of bail. Applicant has been arrested on 05-07-2024 by Police Station Janakganj District Gwalior in connection with Crime No.407/2024 registered for offence under Sections 109, 155(2), 296, 3(5), 118(1) of BNS and Section 25(b) of the Arms Act. His earlier bail application has been dismissed as withdrawn on 06-09-2024 by the Coordinate Bench (Hon'ble Shri Justice Rajendra Kumar Vani). Since the bail application of co-accused Sameer Khan (M.Cr.C.No.92975/2024) was dismissed by this Court on 08-08-2024, therefore, the present bail application is listed before this Court.
2. It is the submission of learned counsel for the applicant that he is suffering confinement since 05-07-2024 and charge-sheet has already been filed, therefore, chance of tampering with the witnesses is remote.

He does not bear any criminal record. Thus, prayed for grant of bail.

3. Learned counsel for the respondent/State opposed the prayer and submits that the applicant is facing serious allegations. Applicant along with other co-accused persons went to the shop of complainant where his daughter was present to run the shop. On the point of payment of some money, applicant and other co-accused started quarrel and when father/complainant Balkishan tried to intervene and stop the applicant and other co-accused persons, then they not only beaten up daughter of complainant namely Sandhya but when son of complainant (Saurabh Yadav) tried to save his sister, then co-accused Salman wielding knife, caused injury to the son of complainant. He sustained injury over his left cheek which is duly corroborated by the medical evidence. Medical officer of Emergency Department of G.R. Medical College, Gwalior given opinion about the deformation of face of injured witness Saurabh Yadav.
4. Heard learned counsel for the parties at length and perused the case diary.
5. As per the allegations, applicant and other co-accused persons entered into the dispute with daughter of complainant and when she raised objection over their conduct, then she was beaten up by the applicant and other co-accused. Co-accused not only mishandled the daughter of complainant but also caused knife injury to the son of complainant. His face is permanently deformed and it is the opinion of the doctor that if injured Saurabh Yadav undergoes plastic surgery then only his deformation may be removed and he would look normal. Besides that statement under Section 161 of Cr.P.C. of complainant and his children

makes the case vulnerable for the applicant.

6. Complainant suffered not only injury but humiliation also. Applicant and complainant reside in the same vicinity, therefore, at this stage, no case for grant of bail to the applicant is made out. Applicant may renew his prayer after statements of material prosecution witnesses.
7. Application stands **dismissed**.

(Anand Pathak)
Judge