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MCRC-28977-2025

IN THE HIGH COURT OF MADHYA PRADESH
AT GWALIOR

BEFORE

HON'BLE SHRI JUSTICE RAJESH KUMAR GUPTA

ON THE 7th OF AUGUST, 2025

MISC. CRIMINAL CASE No. 28977 of 2025

HALKE AADIWASHI

Versus

THE STATE OF MADHYA PRADESH

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Appearance:

Shri Amin Khan - Advocate for the applicant.

Smt. Ankita Mathur-Public Prosecutor for the respondent/State.

Shri Prateek Bansal - Advocate for the complainant.
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ORDER

This is **second** application filed under Section 483 of BNSS for grant of bail to the applicant in connection with Crime No.190/2024 registered at Police Station - Tyonda, District - Vidisha(M.P.) for the offence punishable under Sections 103(1), 296, 115(2), 351(3), 3(5) of BNS, 2023.

2. Prosecution story, in short, is that on 05.07.2024 at 8.30 PM, when the complainant was in his house, his brother Prakash Pal was sitting in the general shop. At that time, he heard some persons abusing filthy language about his brother. When he came outside, Halke and Dharmendra were having danda and Ashok Adiwasi having stone abusing his brother and Halke and Dharmendra committed marpeet with danda and Ashok Adiwasi pelted a stone on the chest of his brother. As a result, his brother sustained grievous injuries and he was taken to hospital, there he was declared dead.



3. Learned counsel for the applicant submits that applicant is innocent and have been falsely implicated. Applicant is under custody since 08.07.2024. His first interim bail application was allowed for a week on account of marriage of daughter of the present applicant vide order dated 05.05.2025 passed in M.Cr.C.No.9726/2025. The applicant has caused injury by means of danda. It is further submitted that charge-sheet has been filed, therefore, further custodial interrogation of the applicant is not required anymore. There is no possibility of his absconsion or tampering with the prosecution evidence. Hence, prayed for grant of bail to the applicant.

4. On the other hand, learned counsel for the State as well as counsel for the complainant have vehemently opposed the bail application and prayed for its rejection.

5. Heard learned counsel for the parties and perused the case diary.

6. Considering the 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. 50,000/- (Rupees Fifty Thousand Only)** with two solvent sureties in the like amount to the satisfaction of the trial Court/committal Court.

7. This order will remain operative 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/her from disclosing such facts to the Court or to the Police Officer, as the case may be;

iv) The applicant will not commit any other offence or will not repeat the offence in future. In case, if he is found involving in offence of the same nature, 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.

9. 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.

10. 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.

(RAJESH KUMAR GUPTA)
JUDGE