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MCRC-31180-2025

IN THE HIGH COURT OF MADHYA PRADESH
AT GWALIOR

BEFORE

HON'BLE SHRI JUSTICE RAJESH KUMAR GUPTA

ON THE 7th OF AUGUST, 2025MISC. CRIMINAL CASE No. 31180 of 2025*ASHOK ADIWASI**Versus**THE STATE OF MADHYA PRADESH*

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Appearance:

Shri Faisal Ali Shah - Advocate for the applicant.

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

Shri Pratik Bansal - Advocate for the complainant.

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ORDER

This is **third** 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 has been falsely implicated. Applicant is under custody since 10.07.2024. His first bail application was dismissed as withdrawn vide order dated 23.01.2025 passed in M.Cr.C.No.50994/2024. His second interim bail application was allowed for a week on account of the marriage of the daughter of the present applicant vide order dated 05.05.2025 passed in M.Cr.C.No.15815/2025. The applicant has caused injuries by pelting stone on the chest of the deceased. 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. He is ready to abide by all the conditions that may be imposed by this Court. 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 submit that the applicant pelting stone on the chest of deceased, due to which he sustained grievous injuries. therefore, pray for the dismissal of the bail application.

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

6. After hearing learned counsel for the parties and considering the totality of facts and circumstances of the case, the nature of allegations levelled against the present applicant, the gravity of the offence, without commenting upon the merits of the case, no case is made out for grant of bail to the applicant at this stage.



7. Accordingly, this application is dismissed.

**(RAJESH KUMAR GUPTA)
JUDGE**

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