

The High Court Of Madhya Pradesh

MCRC-12239-2020

(MONU @ AKASH JOSHI Vs THE STATE OF MADHYA PRADESH)

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Indore, Dated : 20-03-2020

Ms. Archana Maheshwari, counsel for the applicant.

Shri Amol Shrivastava, learned Public Prosecutor for the respondent/State.

Case Diary is available.

This first application for grant of bail has been filed under Section 439 of Cr.P.C. for grant of bail.

The applicant has been arrested on 05.11.2019 in connection with crime no.1119/2019 registered at Police Station Chandan Nagar Distt.Indore for offence punishable under Sections 323,294,307 of IPC.

It is submitted by the Counsel for the applicant that according to the prosecution case, the complainant Ajay was consuming liquor alongwith the applicant, at that time, some dispute arose between them, as a result of which, it is alleged that the applicant slapped the complainant Ajay. Thereafter, the complainant called his brother-in-law Dilip and when they had stopped in front of a shop to purchase Pan Parag, it is alleged that the applicant reached there and scolded the complainant, as a result of which, Dilip, the brother-in-law of the complainant slapped the applicant. It is further alleged in the FIR that the applicant caused injuries to Dilip by keys of the motorcycle. It is further submitted that thereafter the complainant made improvement in the statement recorded under Section 161 of Cr.P.C. and clarified that the injuries were caused by some pointed object kept in the key chain, whereas the injured Dilip has stated that the applicant took out some pointed sharp object from his pocket and caused

injuries. It is submitted that although the MLC report suggests that the stabbed wounds were caused to the injured Dilip, but the incident took place all of a sudden and even if the allegations made in the FIR are considered, then it is clear that there is a possibility of sudden provocation due to the slap given by the injured Dilip. It is further submitted that the applicant is in jail from 05.11.2019 and there is no possibility of his absconding or tempering with prosecution case and the trial is likely to take sufficiently long time. It is further submitted that the applicant shall abide by all the conditions which may be imposed by the Court.

Per Contra, the application is vehemently opposed by the State Counsel. It is submitted by the counsel for the State that injuries sustained by Dilip were dangerous to life.

Considering the facts and circumstances of the case and without commenting on the merits of the case, this Court is of the considered opinion, that it is a fit case for grant of bail. The applicant be released on bail on furnishing personal bond in the sum of **Rs.1,00,000/- (Rupees One Lakh)** with one surety in the like amount to the satisfaction of the Trial Court/Committal Court to appear before the Court on the dates given by the concerned Court.

This order shall remain in force till the conclusion of Trial. Needless to mention that in case of bail jump, this order shall become inoperative.

Certified Copy as per Rules.

(G.S. AHLUWALIA)
JUDGE

RJ