

THE HIGH COURT OF MADHYA PRADESH**M.Cr.C. No. 21326 of 2020****(Anil Patneshwar & Nilesh @ Sachin Patneshwar Vs. State of MP)****Indore, Dated: 9/7/2020**

Shri Mukesh Kumawat learned counsel for applicants.

Shri Chetan Jain learned counsel for State.

Shri Ankit Parashar learned counsel for objector.

Heard through video conferencing.

This is an application made by the applicants (accused) under Section 439 Cr.P.C. for grant of bail during trial.

Notice of this application was served on the State counsel. Case diary as per the direction of this Court has been produced and it has been perused.

The applicants are facing trial for offence punishable under Sections 307/34, 323, 294, 506/34, 188 IPC registered with Police Station Sanwer District Indore, in Crime no.167/2020.

Learned counsel for the applicants submits that initially offence under Sections 323, 294, 506/34 and 188 of IPC was registered against the present applicants and other co-accused person. He further submits that on the basis of query report later on the offence under Section 307 of IPC has been registered. He further submits that cross case has been registered against the complainant party prior in point of time wherein the injuries by means of axe were caused to the accused party. He further submits that complainants are the aggressors and considering these aspects of the matter the co-accused Prabhu and Damodar have been granted bail by this Court by order dated 26/6/2020 passed in M.Cr.C. No. 17455/2020. He further submits that the case of applicants stands on same footing and they are also entitled for grant of bail on the ground of parity.

Learned counsel for the State and objector have opposed the application for grant of bail by submitting that applicant Sachin had caused injury to Manohar.

On perusal of the case diary and considering the circumstances of the case and also taking note of the issue of parity, I find prima facie force in the submissions made by the counsel for applicants. Hence I am of the considered view that the application for grant of bail deserves to be allowed and is accordingly **allowed**.

The applicants are directed to be released on bail on their furnishing a personal bond in the sum of Rs.35,000/- (Rupees Thirty Five Thousand) each with separate surety in the like amount to the satisfaction of the Trial Court for their appearance as and when directed.

The applicants will attend each hearing of their trial before the Trial Court out of which this bail arises. Any default in attendance in Court would result in cancellation of the bail granted by this Court.

Certified copy as per rules.

(Prakash Shrivastava)
Judge

BDJ