

THE HIGH COURT OF MADHYA PRADESH

M.Cr.C. No. 33037 of 2020

(Narendra Vs. State of MP)

Indore, Dated: 16/10/2020

Shri Manoj Saxena learned counsel for applicant.

Shri Harshawardhan Sharma learned counsel for State.

Shri A.K. Saxena learned counsel for objector/complainant.

Heard through video conferencing.

This is an application made by the applicant (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 applicant is facing trial for offence punishable under Sections 323, 302 IPC registered with Police Station Rajgarh District Rajgarh in Crime no. 372/2020.

Learned counsel for the applicant submits that the incident had taken place in the agricultural field of applicant. He further submits that as per FIR allegation the injury by means of Farsi was caused to deceased Umrao by co-accused Indersingh. He further submits that there is no allegation of causing any injury to deceased by present applicant and the co-accused Indersingh and Bablu were having Farsi. He also submits that applicant was having a laathi and the allegation against the applicant is in respect of causing injury to complainant Moresingh and Gangaram but these injuries are simple in nature. He also submits that in the said incident the applicant had also received injuries and FIR in crime no. 371/2020 was lodged by applicant against complainant party which is prior in point of time. He further submits that applicant is in custody since 14/7/2020, the investigation is complete and challan has been filed and even the

ingredients of Section 34 IPC are not available in the matter.

Learned counsel for the State has opposed the application for grant of bail and has pointed out that applicant has caused injury by means of laathi to complainant and Gangaram.

Learned counsel for objector has also opposed the bail application.

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

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

The applicant will attend each hearing of his 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