

THE HIGH COURT OF MADHYA PRADESH
BENCH AT INDORE
(S.B.: HON'BLE Mr. JUSTICE VIVEK RUSIA)

M.Cr.C. No.49196/2021

Applicant No.1:- Dilip S/o Shri Jogad@ Jogar (Bheel)
Age -Adult, Occupation- Labour
R/o- Gram Bhutia, Kankad Faliya, P.S. Tanda,
District-Dhar (M.P.)

Applicant No.2:- Remla S/o Shri Guman Singh Bhuria (Bheel)
Age -Adult, Occupation- Labour
R/o- Gram Bhutia, Kankad Faliya, P.S. Tanda,
District-Dhar (M.P.)

Versus

Respondent:- State of M.P. through P.S. Sardarpur,
District-Dhar (M.P.)

Shri Amit Tripathi, learned counsel on behalf of Shri Gurumeet
Singh Dant.

Shri Sameer Verma, learned Panel Lawyer for the respondent/State.

ORDER

Indore:Date: 08.10.2021 :

This is first bail application filed by the applicants under Section 439 of Cr.P.C.,1973 for grant of bail in connection with Crime No.492/2020 registered at police station-Sardarpur (M.P.) for the offence punishable under 307, 323, 147, 148, 149 of the IPC and Sections 25 and 27 of Arms Act. The applicant are in custody since 28/12/2020.

2. As per the prosecution case, Bhupendra S/o Dalpat Singh lodged an FIR on 05/11/2020 against eight to ten unknown persons alleging that on 04/11/2020 he and Dayaram were spraying water in the agricultural field and in the neighboring field his brother, Bhim Singh and Ramlal and Kalu were also sprinkling the water. Near about 11.10 unknown eight to ten persons came there with sticks, faliyas and guns in their hands and with common intention they started assaulting him and Dayaram. Thereafter, Bhim Singh, Ramlal and Kalu came there and rescued them then those eight to ten miscreants fired a five gun shot in order to kill all of them. They sustained the injuries by petals on various parts of the body. They all went to Sardarpur hospital for treatment from where they were

referred to district hospital. After registration of the FIR police started the investigation and arrested Dilip on 28.12.2020 and Salva, Santosh and Bablu and recovered 12 bore country made pistol from them. Superintendent of police has announced Rs.10,000/- for arrest of Nankiya, Bhangu, Fakariya, Alam and Guru and thereafter filed the charge sheet.

3. Learned counsel for the applicant submits that these applicants have falsely been implicated in this case. They are in custody since 28.12.2020. No one identified them on the spot. No one has sustained grievous hurt. The applicants have no criminal past. Investigation is complete now hence their custody is not required. Trial may take time to conclude finally. Hence prays for grant of bail to applicants.

4. Learned Govt. Advocate for the respondent/State opposes the bail application.

5. Considering the facts and circumstances of the case, without commenting on the merits of the case, the application filed by the applicant is allowed. The **applicant-Dilip and applicant-Remla**, are directed to be released on bail on their furnishing a personal bond in the sum of **Rs.30,000/- (Rupees Thirty Thousand Only) each** with one solvent sureties each of the like amount to the satisfaction of the trial Court for his regular appearance before the trial Court during the trial with a condition that they shall remain present before the Court concerned during the trial and shall also abide by the conditions enumerated under Section 437(3) Cr.P.C. It is made clear that in case of bail jump this order shall become ineffective.

Before releasing the applicants from the custody the trial Court shall verify the criminal antecedent of the applicant and jail authorities are also directed to medically examine them in order to rule out the possibility of Covid -19 infections and shall comply with the direction given by the Hon'ble Apex Court in Writ Petition No.1/2020.

Certified copy as per rules.

(VIVEK RUSIA)
JUDGE