

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

**M.Cr.C. No.50040/2021**

Applicant No.1 Jaydeep@ Anurag S/o Kundan Singh Chauhan,  
Aged-25 years Occupation-Student  
R/o-41, Village Umaria, Mau, Indore (M.P.)

Applicant No.2 Deepak @Bunty S/o Kundan Singh Chauhan,  
Aged-25 years Occupation-Student  
R/o-41, Village Umaria, Mau, Indore (M.P.)

Versus

Respondent: - State of M.P. through P.S. Kishanganj,  
District-Indore (M.P.)

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For Applicants : Mr. Manish Yadav,  
For Respondent(s) : Ms. Mamta Shandilya, G.A.

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**ORDER**

**Indore: Date: 20.10.2021 :**

Shri Manu Maheshwari, learned counsel for the applicant.

Smt. Mamta Shandilya, learned Government Advocate  
respondent/ State.

This is first bail application filed under section 439 Cr.P.C seeking bail in connection with crime no.701/2020 registered at police station Kishanganj, Indore for the offence punishable under sections 294, 326, 427, 323, 325, 307, 506/34 IPC and u/s 25 Arms Act.

As per prosecution story, Complainant- Rahul got married with sister of Deepak in the year 2013, but after marriage, some matrimonial dispute arose between them and wife of Rahul left the house along with 6 years old daughter- Chitranga and started living in her parents' house. Rahul along with his friend Gaurav Thakur went to the house of Deepak (applicant no.2) for giving gift on birthday of his daughter Chitranga. After seeing Rahul in the house, Deepak got annoyed and called his friends Anurag (applicant no.1),

Pankaj and the Co-accused Sandeep started assaulting Rahul and Gaurav. As per allegations, the Co-accused Sandeep caught hold Rahul and Deepak gave blow by a sword and due to which his left ear got amputated. The present applicants caught hold Gaurav Thakur and badly assaulted him. Gaurav Thakur sustained the head injury and got 25 stitches on his head. The applicant and others have damaged the Creta XUV car of the complainant.

Learned counsel for the applicants submit that the investigation is complete and charge sheet has been filed. The Co-accused Pankaj has been granted bail by this court and the applicants is having parity with him. The allegation against the applicant is is that he caught hold Gaurav Thakur and others have assaulted him. He further submits that a compromise has been arrived at between Rahul and his wife and they have filed an application u/s 13-B before the District Judge Ambedkar Nagar seeking dissolution of the marriage by way of consent. The certified copy of the joint application has been produced during the course of argument. Learned counsel for the applicants submit that because the court is vacant, therefore, the trial of this case as well as matrimonial matters are held up.

Learned Govt. Advocate for the respondent/State submits that case diary is not available and opposes the bail application.

As per the allegations no overt act is attributed to the present applicants. They are having parity with the case of co-accused Pankaj @ Golu who has been granted bail by this Court on 17.5.2021 vide MCRC no.22566/2021 and co-accused Sandeep Singh granted bail vide order dated 22.09.2021 passed in M.Cr.C. No.35753/2021.

Considering the facts and circumstances of the case and the arguments advanced by learned counsel for the parties, without commenting on the merits of the case, the application is allowed. The applicants **Jaydeep@ Anurag and Deepak@Bunty** are directed to

be released on bail on his furnishing a personal bond in the sum of **Rs.30,000/- (Rupees Thirty Thousand) each** with one solvent sureties each of the like amount to the satisfaction of the trial Court for their regular appearance before the trial Court during trial with a condition that they shall remain present before the Court concerned during trial and shall also abide by the conditions enumerated under section 437(3) Cr.P.C.

Before releasing the applicants from the custody the jail authorities are 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**

Ajit

