

HIGH COURT OF MADHYA PRADESH: BENCH AT INDORE

M.Cr.C. No.6837/2021

**Dhapu Bai Dangi & Two Others v/s The State of Madhya Pradesh
Indore, dated 01.03.2021**

Shri Banwari Lal Yadav, learned counsel for the applicant.

Shri Akash Sharma, learned Panel Lawyer for the respondent / State.

Shri Sajid Iqbal Ansari, learned counsel for the objector.

With the consent, finally heard.

This is the first application filed by the applicant / accused under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail. The applicant is apprehending his arrest in connection with Crime No.266/2020 registered at Police Station – Chhapiheda, District – Rajgarh for the offences registered under Section 294, 323, 325 and 336/34 of the Indian Penal Code.

As per prosecution story, on 07.12.2020 near about 7:00 pm, the complainant was passing in front of the house of the Suresh and then dispute started between them. Suresh and RangLal caused injuries by means of *lathi* and rod on the head of complainant. Thereafter, applicants joined them and started pelting the stones. The allegation against Bhuri Bai is that she also assaulted the complainant by means of *lathi*, and thereafter, F.I.R. was lodged under Sections 294, 323, 325 and 336/34 of the Indian Penal Code. The complainant was medically examined and he sustained a fracture on the head and jaw. The main accused Suresh and Ranglal have been arrested and the present applicants fled away from the spot.

Learned counsel for the applicants submits that entire

family members have been implicated in this case. The applicants did not cause any injury on the complainant and the only allegation against the present applicants is that they pelted the stones.

Learned Panel Lawyer for the respondent / State as well as counsel for the objector opposed the prayer by submitting that the applicants have illegally encroached the plot of the complainant and as compulsion the complainant is required to approach his land in front of the house of the applicant.

This Court after taking into account the facts and circumstances of the case, allegation against the present applicant and without expressing any opinion on the merits of the case, I deem it proper to grant anticipatory bail to the present applicants.

Accordingly, in the event of arrest, the applicants be released on anticipatory bail on their furnishing personal bond in the sum of **Rs.40,000/- (Rupees Forty Thousand Only)** each with one solvent surety each in the like amount to the satisfaction of arresting officer for their appearance before the Investigating Officer during the course of investigation as and when directed. Conditions of Section 438(2) of the Cr.P.C. shall also apply on the applicant during currency of bail.

With the aforesaid, the application stands disposed of.

Certified copy, as per Rules.

(VIVEK RUSIA)
J U D G E

Ravi