

**IN THE HIGH COURT OF MADHYA PRADESH  
AT INDORE**

***BEFORE***

**HON'BLE SHRI JUSTICE ANIL VERMA**

**ON THE 25<sup>th</sup> OF NOVEMBER, 2022**

**CRIMINAL APPEAL No. 9551 of 2022**

**BETWEEN:-**

**1 RADHESHYAM S/O DULA JI GURJAR, AGED  
ABOUT 42 YEARS, GRAM BAYDI PS  
SHIVGARH RATLAM (MADHYA PRADESH)**

**2 JUJHAR SINGH S/O RATAN JI GURJAR,  
AGED ABOUT 35 YEARS, OCCUPATION:  
LABOUR R/O GRAM BAYDI, PS SHIVGARH  
DIST RATLAM (MADHYA PRADESH)**

**3 INDARSINGH @ ANDARSINGH S/O DULA JI  
GURJAR, AGED ABOUT 22 YEARS,  
OCCUPATION: LABOUR R/O GRAM BAYDI,  
PS SHIVGARH DIST RATLAM (MADHYA  
PRADESH)**

**.....appellants**

***(SHRI SANJAY KUMAR SHARMA, LEARNED  
COUNSEL FOR THE PETITIONER.)***

**AND**

**1 THE STATE OF MADHYA PRADESH  
STATION HOUSE OFFICER THROUGH  
POLICE STATION SHIVGARH RATLAM  
(MADHYA PRADESH)**

**2 SAMARATH MAIDA S/O NANURAM, AGED  
ABOUT 23 YEARS, OCCUPATION: LABOUR  
R/O GRAM BAYDI, PS SHIVGARH DIST  
RATLAM (MADHYA PRADESH)**

**.....RESPONDENTS**

***(SHRI N.S. BHATI GA APPEARING ON  
BEHALF OF ADVOCATE GENERAL.  
SHRI ANENDRA SINGH PARIHAR, LEARNED  
COUNSEL FOR THE RESPONDENT [R-2].***

*This appeal coming on for order this day, the court passed  
the following:*

**ORDER**

The appellants have filed this (first) criminal appeal under Section 14-A(2) of SC and ST (Prevention of Atrocities) Act read with section 439 of Cr.P.C for grant of bail in connection with Crime No.254/2022 registered at P.S – Shivgarh District- Ratlam (M.P.) for commission of offence punishable under Sections 307, 323, 294, 506, 147, 149 of IPC and sections 3(1)(r), 3(1)(s), read with section 3(2)(v) of SC and ST Act.

As per prosecution story, on 13/09/2022, the complainant lodged FIR at police station – Shivgarh, District – Ratlam by stating that co-accused Ballu Gurjar along with his family members did not allow the complainant for grazing cattle on government land. On 13/09/2022 at about 9.00 am, accused Ballu and his family members were grazing their cattle on the said land and they asked the appellants not to graze their cattle there, on which, the appellants along with co-accused persons told him that the said land belongs to them. They should leave the land, otherwise, they would kill. The complainant and other persons objected that the case is pending and therefore, they should not graze the cattle there. Thereafter, present appellants along with other co-accused persons armed with sticks and stones attacked the complainant party, due to which, Hiralal, Sanjay, Kalu, Dasharath, Sukharam, Sultan, Ballu, Manohar and Bheru sustained various injuries. Accordingly, the aforementioned offence has been registered and the appellants has been arrested.

Learned counsel for the appellants contended that appellants are innocent and have been falsely implicated in this offence. There is no legal evidence available on record to connect the appellants with the aforementioned offence. The complainant party were aggressor and the dispute arose on the issue regarding grazing

cattle. Appellants are in custody since 05/09/2022. They have no criminal antecedent. They are permanent resident of District-Ratlam.. There is no apprehension of his fleeing away from the court of justice. Investigation is almost over, therefore, further custodial interrogation is not required. Final conclusion of trial shall take sufficient long time. Under the above circumstances, prayer for grant of bail may be considered on such terms and conditions, as this Court deems fit and proper.

*Per-contra*, learned PL for respondent – State opposes the bail appeal and prays for its rejection, but fairly admits that no criminal antecedents have been found against the appellants.

Learned counsel for the objector opposed the application and prays for its rejection by stating that injured Pappu sustained fatal injury and was admitted in hospital at Ahemadabad for treatment; the appellants are still threatening the complainants and other injured persons to do compromise in the matter, hence they do not deserve for bail.

Learned counsel for the prosecutrix/objector submitted that the matter has been compromised between the appellants and the prosecutrix and the prosecutrix has submitted an affidavit regarding no objection to grant of bail to the appellants.

Perused the impugned order of the trial Court, the statements of the witnesses as well as the case dairy.

Considering all the facts and circumstances of the case, arguments advanced by both the parties, nature of allegation as also taking note of the fact that injured Sukharam and Sultan sustained some bony injury, but no deadly weapon was used in the incident; investigation is almost over, therefore, further custodial interrogation is not required; cross-case has also been lodged

against the opponent party; the appellants are not having any criminal antecedents and possibility of delay in conclusion of the trial cannot be ruled out, in view of the evidence available on record, I deem it proper to release the accused / appellants on bail.

Accordingly, without commenting on the merits of the case, the appeal is allowed. It is directed that the appellants be released on bail on their furnishing personal bond in the sum of **Rs. 75,000/- (Rs. Seventy Five Thousand only)** each with one solvent surety each in the like amount to the satisfaction of the trial Court for their appearance before the trial Court, as and when required.

They shall abide by all the conditions enumerated u/S. 437(3) Cr.P.C.,

It is made clear that if the appellants are again found to be involved in any other offence during the trial, this order shall stand cancelled automatically without reference to the Court and the police will be at liberty to arrest the appellants in the present case also. This order shall be effective till the end of the trial, however, in case of bail jump, it shall become ineffective.

Certified copy, as per Rules.

(ANIL VERMA)  
J U D G E

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