

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

HON'BLE SHRI JUSTICE ANIL VERMA

ON THE 19th OF MAY, 2022

MISC. CRIMINAL CASE No. 24507 of 2022

Between:-

**1/ KARAN S/O SUKHRAM BARIYA , AGED ABOUT 32 YEARS,
OCCUPATION: LABOUR GRAM LALMAL, INDORE (MADHYA
PRADESH)**

**2/ VIJAY @ BADA S/O SUKHRAM BARIYA , AGED ABOUT 35
YEARS, OCCUPATION: LABOUR GRAM LALMAL (MADHYA
PRADESH)**

.....PETITIONER

(BY SHRI GOPAL YADAV, ADVOCATE)

AND

**THE STATE OF MADHYA PRADESH STATION HOUSE OFFICER
THROUGH POLICE STATION BADGONDA, (MADHYA
PRADESH)**

.....RESPONDENTS

(BY SHRI RAJESH JOSHI, G.A.)

*This application coming on this day for orders, the court
passed the following:*

ORDER

This is first application under section 439 of Cr.P.C. for grant of bail on behalf of the applicants, who are in custody since

18/08/2021 in connection with Crime No.432/21, registered at Police Station – Badgonda, District – Indore(M.P.) for offence punishable under sections 147, 148, 149,452, 307, 294, 323, 336,324, 427, and 506 of IPC and Section 25 of the Arms Act.

As per prosecution story, on 18/08/2021, complainant/constable lodged a report stating that when he was on duty, he received an information that at village Rasniyamal, Mogra Ghati, P.S. Badgonda a dispute took place and member of Dial 100 were beaten and they got injured and police vehicle was damaged. On the basis of information received by complainant – Kailash that the accused persons were conducting a meeting at the house of Sukhram Bheel and they are planning to attack again, the Police party reached the spot where accused Sukhram, Karan (present applicant), Mahesh, Jitendra and women of their houses alongwith 40-50 other people attacked the police party and used firearms and damaged the vehicle of the police. Accordingly offence has been registered against the present applicants.

Learned counsel for the applicants submits that applicants are innocent and they have been falsely implicated in this matter. Applicants are in jail since 18.8.2021. Investigation is complete and charge sheet has been filed. Nothing has been recovered from the possession of the present applicants. He submits that none of the injuries received by the complainants constitute an offence under section 307 of IPC, the applicants are labourers and sole butter

earner of their family. There is no possibility of absconding of applicants or tampering with the prosecution evidence. Final conclusion of trial will take considerable long time. He also submits that co-accused persons Babu and Rahul have been granted bail by this Court by order dated 3.2.2022 passed in M.Cr.C. Nos. 62215/2021 and 61500/2021. Hence, he prays that applicants be released on bail on the ground of parity.

Per-contra, learned PL for respondent/State opposes the bail application and prays for its rejection by submitting that some more offence has been registered against the present applicants for assaulting the police party and they are habitual offender, therefore, they do not deserve for bail.

Perused the case diary as well as the impugned order of the court below.

Considering all the facts and circumstances of the case, arguments advanced by counsel for the parties, nature and gravity of allegation as also taking note of the fact that nothing has been recovered from the possession of the present applicants and all victim persons did not sustain any grievous injury, co-accused persons have been enlarged on bail, therefore, I deem it proper to release the applicants on bail on the ground of parity.

Accordingly, without commenting on the merits of the case, the application is allowed. It is directed that the applicants be released on bail upon their furnishing a personal bond in the sum of

Rs.50,000/- (Rs. Fifty Thousand only) each with separate solvent surety 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 the conditions enumerated u/S. 437(3) Cr.P.C.

C.C. as per rules.

(ANIL VERMA)
JUDGE

BDJ

