

IN THE HIGH COURT OF MADHYA PRADESH**AT INDORE****BEFORE****HON'BLE SHRI JUSTICE ANIL VERMA****ON THE 22nd OF JUNE, 2022****MISC. CRIMINAL CASE No. 24579 of 2022****Between:-****WASIM SHAIKH S/O SHRI ASLAM SHAIKH , AGED ABOUT 38 YEARS, OCCUPATION: SERCVICE 78 MOTI LAL NEHRU MARG, STATION ROAD DEWAS (MADHYA PRADESH)****.....PETITIONER****(BY SHRI PRASHANT SHARMA, ADVOCATE)****AND****THE STATE OF MADHYA PRADESH STATION HOUSE OFFICER THROUGH POLCE STATION KOTWALI, (MADHYA PRADESH)****.....RESPONDENTS****(SHRI RAHUYL SOLANKI, PL FOR STATE)****(SHRI SURENDRA TUTEJA, FOR THE OBJECTOR)**

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

ORDER

Applicant has filed this first bail application under Section 439 of the Code of Criminal Procedure, 1973 in connection with Crime No. 282/2022 registered at P.S - .Kotwali, Dewas, District- Dewas (M.P.) for commission of offence punishable under Section 307, 323, 294, 34 of IPC.

As per prosecution story, on 16/03/2022, between 10-11 pm, victim Devendra along with his friend Salman was returning to his home, at that time, present applicant met him before Sakshi Hotel and some hot talk took placed between them. Thereafter, present

applicant Wasim assaulted the victim Devendra by using wooden rod (balli), due to which, he sustained grievous injuries on vital region of his head.. Wife of the victim Rajeshwari lodged FIR at police station- Kotwali, Dewas. Accordingly, aforementioned offence has been registered against the accused persons.

Learned counsel for the applicant contended that applicant is innocent and has been falsely implicated in this offence. There is no legal evidence available on record to connect the applicant with the aforementioned offence. Investigation is over and charge-sheet has been filed therefore, no further custodial interrogation is required. He is in jail since 18/03/2022. He is a permanent resident of District- Dewas. He has no criminal background. He is sole bread-earner in his family. 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 application and prays for its rejection by submitting that the victim sustained grievous injury on his head.

Perused the impugned order of the trial Court 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 the victim did not sustain any bony injury.; he was admitted in hospital for about 4- 5 days; co-accused Rameshchandra has already been enlarged on bail by the order of the trial court; in inquiry report, it is mentioned that if the treatment was not timely provided, death could have caused, but no specific

opinion has been given that the injuries are dangerous to life; the applicant is in jail since 18/03/2022 and possibility of delay in conclusion of the trial cannot be ruled out, I deem it proper to release the accused / applicant on bail.

Accordingly, without commenting on the merits of the case, the application is allowed. It is directed that the applicant be released on bail on his furnishing personal bond in the sum of **Rs.1,00,000/- (Rs. One Lac)** with one solvent surety in the like amount to the satisfaction of the trial Court for his appearance before the trial Court, as and when required. He shall abide by the conditions enumerated u/S. 437(3) Cr.P.C.,

It is made clear that if the applicant is 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 applicant 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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