

IN THE HIGH COURT OF MADHYA PRADESH

AT INDORE

BEFORE

HON'BLE SHRI JUSTICE VIVEK RUSIA

ON THE 26th OF MAY, 2022

MISC. CRIMINAL CASE No. 24825 of 2022

Between:-

**VISHAL S/O PRAKASH CHOUHAN , AGED
ABOUT 30 YEARS, OCCUPATION: LABOUR,
R/O 20 CHANDMARI KA BHATTA, INDORE
(MADHYA PRADESH)**

.....APPLICANT

(BY SHRI BHARAT YADAV, ADVOCATE)

AND

**THE STATE OF MADHYA PRADESH STATION
HOUSE OFFICER THROUGH POLICE
STATION CHANDAN NAGAR, INDORE
(MADHYA PRADESH)**

.....RESPONDENTS

(BY SHRI VISHAL SANOTHOIYA ADVOCATE)

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

O R D E R

This is first bail application under Section 439 of Cr.P.C. in connection with Crime No.255/2022 registered at Police Station- Chandan Nagar, District Indore in respect of offence under Section 327, 294, 324, 506, 329/34, 323 of I.P.C.

As per prosecution story, on 19.03.2022 at about 09:00 PM, the injured Nitesh Pal and Sandeep were standing at Ramanandnagar Crossing, at that time Aman alongwith his friends came there and demanded money from Sandeep for consumption of liquor. When he refused, the accused persons assaulted them. Aman took out the knife and caused injury on his chest, left hand and back, when Nitesh tried save him, he

also sustained injuries. Accordingly, FIR has been registered against accused persons.

Learned counsel for the applicant submits that main allegation to to cause the injury is against the Aman. There is no overt act by the present applicant. Hence, he may be enlarged on bail.

Government Advocate opposes the bail application by submitting that the applicant has played active role in the incident. One of the co-accused has assaulted the injured and caused grievous hurt. Injured remained in hospital upto 01.04.2022. The applicant has been named by injured as well as other witnesses in their statement recorded under Section 161 of Cr.P.C.

I have heard learned counsel for the parties and perused the records.

After considering the argument advanced by the learned counsel for the parties, this Court is of the view that at this stage no case is made out for grant of bail to the applicant. Accordingly, M.Cr.C. is hereby dismissed. However, applicant is having liberty to revive his prayer after recording the statement of injured as well as eye witness in the Court.

(VIVEK RUSIA)
V. JUDGE

praveen