

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. 29102 of 2022

Between:-

1. DEVA @ DEVALAL S/O PRAKASH SINGH,
AGED ABOUT 23 YEARS,
OCCUPATION: LABOUR,
R/O VILLAGE PIWDAY, TEHSIL INDORE,
DISTRICT INDORE (MADHYA PRADESH)
2. PRAKASH S/O DALSINGH,
AGED ABOUT 53 YEARS,
OCCUPATION: LABOR,
R/O VILLAGE PIWDAY TEHSIL INDORE,
DISTRICT INDORE (MADHYA PRADESH)

.....APPLICANTS

(BY SHRI DHARMENDRA YADAV, ADV.)

AND

THE STATE OF MADHYA PRADESH,
THROUGH STATION HOUSE OFFICER,
POLICE STATION KHUDEL,
DISTRICT INDORE (MADHYA PRADESH)

.....RESPONDENT

(BY SHRI VIRAJ GODHA, PL)

(COMPLAINANT BY SHRI MRANAL PRAJAPATI, ADV.)

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

O R D E R

This is the first bail application under Section 439 of the Code of

Criminal Procedure, 1973 filed on behalf of the applicants for grant of bail. The applicants are in custody since 07/06/2022 in connection with Crime No.339/2022 registered at Police Station – Khudel, District Indore (M.P.) for commission of offence punishable under Section 294, 323, 326-A, 206 and 34 of the Indian Penal Code, 1860.

As per prosecution story, on 24/05/2022 at around 05:00 PM, the victim was washing cloths in front of her house and present applicants along with another co-accused Lalitabai came and started fighting and abusing the victim and co-accused Lalitabai threw acid on the victim causing grievous hurt. Accordingly, offence has been registered against the applicants.

Learned counsel for the applicants submits that the applicants are innocent persons and they have been falsely implicated in this offence. They are in custody since 07/06/2022. Evidence is not supporting the case of the prosecution. Both the applicants belongs to same and a respectable family. Final conclusion of the trial is likely to take sufficient long time. The applicants are the permanent residents of Indore district. 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 counsel for the respondent / State opposes the bail application and prays for its rejection by submitting that this is a matter of acid burn, which is a very heinous crime. One criminal antecedent has also been found against the applicant No.2. Hence, applicants are not entitled to be released on bail.

Counsel for the victim Kavita Bai appeared before this Court along with her advocate and submitted that she has no objection if the applicant is enlarged on bail.

Perused the impugned order of the trial Court as well as the case diary.

Considering the facts and circumstances of the case, nature and gravity of offence, arguments advanced by the learned counsel for the applicant and also taking note of the fact that victim Kavita Bai has no objection in case bail is granted to the applicants, investigation is almost over, therefore, no further custodial interrogation of the applicants is required and final conclusion of the trial will take long sufficient. In these circumstances, I deem it proper to release the applicants on bail. Therefore, without commenting on the merits of the case, the application is allowed.

It is directed that applicants be released on bail on their furnishing personal bond in the sum of **Rs.75,000/- (Rupees Seventy Five 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 all the conditions enumerated u/S. 437(3) Cr.P.C.

Certified copy as per rules.

(ANIL VERMA)
J U D G E