

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

HON'BLE SHRI JUSTICE ANIL VERMA

ON THE 5th OF AUGUST, 2022

MISC. CRIMINAL CASE No. 35363 of 2022

Between:-

**VINOD S/O KESHARDAAN JI
CHARAN, AGED ABOUT 24 YEARS,
OCCUPATION: LABOURER, R/O
VILLAGE GARWADA KANJARDA
TEHSIL MANASA, NEEMUCH
(MADHYA PRADESH)**

.....APPLICANT

(SHRI ABHAY SARASWAT, LEARNED COUNSEL FOR THE APPLICANT)

AND

**THE STATE OF MADHYA PRADESH
STATION HOUSE OFFICER
THROUGH POLICE STATION
MANASA DISTRICT NEEMUCH
(MADHYA PRADESH)**

.....RESPONDENT

***(SHRI SHRI HITENDRA TRIPATHI, LEARNED PL
APPEARING ON BEHALF OF ADVOCATE GENERAL)***

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

O R D E R

Applicant has filed this first bail application under Section 439 of the Code of Criminal Procedure, 1973. He is in Jail since 28/04/2022 in

connection with Crime No.214/2022 registered at P.S. - Manasa District Neemuch (M.P.) for commission of offence punishable under Section 323, 294, 506 and 34 of IPC.

As per the prosecution story, on 28/04/2022, complainant Jagdish lodged a report before police station stating that he resides in village Kanjarda and is working as a care taker of Aaram Nagar Goshala in Village Kanjarda. On 28/04/2022, around 3.05 pm, when he was busy in managing the work of Goshala, present applicant Vinod, co-accused persons Prahlad and Keshardan came and started arguing and disputed over issue related to picking of stones with complainant and one Arun. Co-accused Keshardaan and Prahlad pushed the complainant on the ground and present applicant Vinod inflicted stone injury on the head of complainant. Thereafter, injured was rushed to hospital and later went to the police for complaint. Accordingly a case has been registered against the applicant.

Learned counsel for the applicant submits that applicant is innocent and he has been falsely implicated in this matter. Applicant is in jail since 28/04/2022. The present applicant did not cause any injury to the victim. Investigation is over and charge sheet has been filed. Applicant is the permanent resident of District Neemuch. He has no criminal past. He is the sole bread earner of his family and final conclusion of trial will take considerable long time. Co-accused Prahlad has been enlarged on bail by this Court in similar circumstances *vide* order dated 04/07/2022 passed in M.Cr.C.No.27882/2022. Hence, he

prays that on the ground of parity, present applicant be also released on bail.

Per-contra, learned PL for respondent/State opposes the bail application and prays for its rejection.

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 applicant is in jail since 28/04/2022; investigation is over, therefore, no further custodial interrogation of the applicant is required; co-accused Prahlad has been enlarged on bail by this Court in similar circumstances and final conclusion of the trial will take long time. In these circumstances, I deem it proper to release the 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 upon his furnishing a personal bond in the sum of **Rs.75,000/- (Rs. Seventy Five Thousand only)** 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.

Certified copy as per rules.

(ANIL VERMA)
J U D G E