

IN THE HIGH COURT OF MADHYA PRADESH

AT INDORE

BEFORE

HON'BLE SHRI JUSTICE ANIL VERMA

ON THE 22nd OF SEPTEMBER, 2022

MISC. CRIMINAL CASE No. 44923 of 2022

BETWEEN:-

**GIRIRAJ S/O RODIJI @ RODMAL,
AGED ABOUT 18 YEARS, OCCUPATION:
STUDENT, R/O PATNA THANA,
KALIPITH, DISTRICT RAJGARH
(MADHYA PRADESH)**

.....APPLICANT

***(SHRI AKHILESH KUMAR SAXENA, LEARNED COUNSEL FOR THE
APPLICANT)***

AND

**THE STATE OF MADHYA PRADESH
STATION HOUSE OFFICER THROUGH
POLICE STATION KALIPITH, DISTRICT
RAJGARH (MADHYA PRADESH)**

.....RESPONDENT

***(SHRI MUKESH KUMAWAT, LEARNED GA APPEARING ON BEHALF
OF ADVOCATE GENERAL)***

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

O R D E R

This is the **first** anticipatory bail application filed under Section 438 of the Code of Criminal Procedure, 1973. The applicant is

apprehending his arrest in connection with Crime No.207/2022 registered at Police Station – Kalipith, District Rajgarh (M.P.) for commission of offence punishable under Section 294, 323, 307 and 34 of the Indian Penal Code, 1860.

As per the prosecution story, on 19/07/2022 at about 08:00 AM complainant Nirbhay Singh along with victim Chandar Singh were sitting outside of his house, at that time present applicant along with other co-accused persons were passing through his house. Co-accused Kanhaiyalal abused the complainant in a filthy language and attacked on the head of Chandar Singh by using a iron rod. Present applicant and co-accused Lalita Bai have also beaten the Chandar Singh by using kick and fist. Accordingly, a case has been registered against the present applicant.

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. He is a young boy of 18 years of age and is studying in 12th class. His roll in the aforesaid crime is very limited. He has no criminal background and was not carrying any deadly weapon at the time of incident. Applicant is the permanent resident of Rajgarh district and there is no question of his fleeing away from the Court of justice and final conclusion of trial shall take sufficient long time. Under the above circumstances, applicant be released on anticipatory bail.

Per-contra, learned counsel for the respondent – State opposes the bail application and prays for its rejection by submitting that other co-accused persons are still absconding in the matter. However, he fairly

admits that the present applicant is not having any criminal antecedent.

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 and also taking note of the fact that the present applicant allegedly used only kick and fist at the time of incident; he has not caused any material injury to the complainant; applicant is not the main accused; he is a 18 years young boy studying in 12th class; applicant is having no criminal antecedents and possibility of delay in conclusion of the trial cannot be ruled out. Therefore, looking to the future of the present applicant, without commenting upon the merits of the case, I deem it proper to release him on anticipatory bail.

Accordingly, application is allowed. It is directed that in the event of applicant's arrest, the applicant be released on anticipatory bail on his furnishing personal bond in the sum of **Rs.75,000/- (Rupees Seventy Five Thousand Only)** with one surety in the like amount to the satisfaction of arresting officer for his appearance before the Investigating Officer during the course of investigation as and when directed. Conditions of Section 438(2) Cr.P.C. shall also apply on the applicant during currency of bail.

Certified copy as per rules.

(ANIL VERMA)
J U D G E