

IN THE HIGH COURT OF MADHYA PRADESH

AT INDORE

BEFORE

HON'BLE SHRI JUSTICE ANIL VERMA

ON THE 29th OF SEPTEMBER, 2022

MISC. CRIMINAL CASE No. 46947 of 2022

BETWEEN:-

**LAKHANLAL S/O RAMESH MALVIYA,
AGED ABOUT 30 YEARS, OCCUPATION:
MISTRI VILLAGE GUDRAVAN, TEH.
NALKHEDA, DISTT. AGAR (MADHYA
PRADESH)**

.....PETITIONER

**(*AHSAN UJJAMAN SIDDIQUE, LEARNED
COUNSEL FOR THE PETITIONER*)**

AND

**THE STATE OF MADHYA PRADESH
STATION HOUSE OFFICER THROUGH PS
NALKHEDA, AGAR (MADHYA PRADESH)**

.....RESPONDENT

**(*VIRAJ GODHA 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

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. 302/2022

registered at P.S. - Nalkheda District Agar (M.P.) for commission of offence punishable under Section 323, 294, 506/34, 307/34 of IPC.

As per the prosecution story, on 4.8.2022 at about 8.30 pm complainant was standing near gumti of Arjun at that time co-accused Rahul came there and demanded money from him, on this a discussion took place and Rahul called his friend, then both accused persons started abusing and beating complainant. Rahul gave a blow of wooden stick containing iron ring on complainant which resulted into injury on head of complainant, co-accused Shyam also caused injury over his face by some sharp weapon, the present applicant also beaten the complainant by using stick. The complainant lodged an FIR of the incident at police station Nalkheda. Accordingly offence has been registered.

Learned counsel for the applicant submits that the applicant is innocent and he has been falsely implicated in this matter. No offence under section 307 of IPC is made out. The applicant did not use any weapon at the time of incident, he is permanent resident of District Agar and sole butter earner of his family. Applicant has no criminal antecedent. Final conclusion of trial will take considerable long time. Hence, he prays that the applicant be released on anticipatory bail.

Per-contra, learned PL for respondent/State opposes the bail

application and prays for its rejection but he fairly admits that applicant has no criminal past.

Perused the case diary as well as the impugned order passed by the court below.

Considering all the facts and circumstances of the case, arguments advanced by both the parties, nature and gravity of allegation and also taking note of the fact that role of applicant is very limited in this incident, he did not use any weapon or cause any grievous injury to complainant, he has no criminal background, and that final conclusion of trial will take long sufficient time, I deem it proper to release the applicant on anticipatory bail.

Accordingly, without commenting on the merits of the case, the application is allowed. It is directed that in the event of applicant's arrest, the applicant be released on anticipatory bail upon his furnishing a personal bond in the sum of **Rs. 75,000/-** with one solvent surety of the like amount to the satisfaction of the Arresting Officer for his appearance before the Investigating officer during the course of investigation as and when directed. Conditions of section 438(2) CRPC shall also apply on the applicant during currency of bail.

Certified copy as per rules.

(ANIL VERMA)
J U D G E

BDJ