

IN THE HIGH COURT OF MADHYA PRADESH

AT INDORE

BEFORE

HON'BLE SHRI JUSTICE ANIL VERMA

ON THE 25th OF NOVEMBER, 2022

MISC. CRIMINAL CASE No. 49580 of 2022

BETWEEN:-

VAKTALAL S/O KANHA GURJAR, AGED
1 ABOUT 24 YEARS, OCCUPATION:
. LABOUR VILLAGE BAIDI, DISTRICT
RATLAM (MADHYA PRADESH)

SAMRATH S/O NANURAM MAIDA, AGED
2 ABOUT 23 YEARS, OCCUPATION:
. LABOUR VILLAGE BAIDI, DISTT. RATLAM
(MADHYA PRADESH)

HEERA LAL S/O VAISYA MAIDA, AGED
3 ABOUT 50 YEARS, OCCUPATION:
. LABOUR VILLAGE BAIDI, DISTT. RATLAM
(MADHYA PRADESH)

.....PETITIONER

*(SHRI SHADAB KHAN, LEARNED
COUNSEL FOR THE PETITIONER.)*

AND

THE STATE OF MADHYA PRADESH
STATION HOUSE OFFICER THROUGH
POLICE STATION SHIVGARH, DISTRICT
RATLAM (MADHYA PRADESH)

.....RESPONDENTS

*(SHRI N.S. BHATI GA APPEARING ON
BEHALF OF ADVOCATE GENERAL.
SHRI SANJAY KUMAR SHARMA, LEARNED
COUNSEL FOR THE RESPONDENT [OBJ].*

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

ORDER

Applicants have filed this first bail application under Section 439 of the Code of Criminal Procedure, 1973 in connection with Crime No. 255/2022 registered at P.S – Shivgarh, District- Ratlam

(M.P.) for commission of offence punishable under Sections 307, 323, 294, 506, 147 and 149 of IPC.

As per prosecution story, complainant Hiral hl: informed. That he is resident of village Baidi and. Farmer by profession. He along- -with other person Dasbrath, Ballu, Sanjay, alu, Hiralal, Mangilal and Manohar of his community “having buffalo and they used to graz buffalo on government landsituated Nala Bandh. Applicant Chandar Singh and Pannalal and other co-accuse tried to grab this land. On 13-09-22 at 09:30 a.m. : when they were grazing their animals on the said land, applicants and other co-accused came and started abusing when they stopped, accused started biting with lathi, danda, and iron weapon, which caused several injuries on their body and also threaten for death. On the basis of this information ‘crime no. 2558/2022 u/s 307, 323, 294, 506, 147, 149 IPC: FIR has been registered against applicant Vaktalal, Samrath, Heeralal and other co-accused.

Learned counsel for the applicants contended that applicants are innocent and have been falsely implicated in this offence. There is no legal evidence available on record to connect the applicants with the aforementioned offence. The complainant were aggressor party. None of the injured person have sustained any severe injury.

Investigation is almost over, therefore, no further custodial interrogation of the applicants is required.. Applicants are in custody since 25/09/2022. They are sole bread earner in their family. They are permanent resident of District- Ratlam. There is no apprehension of their fleeing away from the court of justice. Final conclusion of trial shall take sufficient long time. 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 PL for respondent – State opposes the bail application and prays for its rejection, but fairly admits that no criminal antecedents have been found against the applicants.

Learned counsel for the objector also opposed the application and prays for its rejection.

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

Considering all the facts and circumstances of the case, arguments advanced by both the parties, nature of allegation as also taking note of the fact that the applicants did not use any deadly weapon at the time of the incident; none of the injured person sustained any bony injury; they are in custody since 25/09/2022; investigation is almost over, therefore, no further custodial interrogation of the applicants is required; they have no criminal antecedents and possibility of delay in conclusion of the trial cannot be ruled out, in view of the evidence available on record, I deem it proper to release the accused / applicants on bail.

Accordingly, without commenting on the merits of the case, the application is allowed. It is directed that the applicants be released on bail on their furnishing personal bond in the sum of **Rs. 75,000/- (Rs. Seventy Five Thousand only)** each with one solvent surety each 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.,

It is made clear that if the applicants are again found to be involved in any other offence during the trial, this order shall stand cancelled automatically without reference to the Court and the

police will be at liberty to arrest the applicants in the present case also. This order shall be effective till the end of the trial, however, in case of bail jump, it shall become ineffective.

Certified copy, as per Rules.

(ANIL VERMA)
J U D G E

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