

IN THE HIGH COURT OF MADHYA PRADESH

**AT INDORE
BEFORE**

HON'BLE SHRI JUSTICE PRANAY VERMA

ON THE 25th OF NOVEMBER, 2022

MISC. CRIMINAL CASE No. 55437 of 2022

BETWEEN:-

**VIKRAM S/O GOPAL, AGED ABOUT 40 YEARS,
OCCUPATION: AGRICULTURE VILLAGE
JAMNIYA MOTA, TEHSIL MANAWAR,
DISTRICT DHAR (MADHYA PRADESH)**

.....APPLICANT

(SHRI OMPRAKASH SOLANKI, LEARNED COUNSEL FOR THE APPLICANT).

AND

**THE STATE OF MADHYA PRADESH STATION
HOUSE OFFICER THROUGH POLICE STATION
MANAWAR, DISTRICT DHAR (MADHYA
PRADESH)**

.....RESPONDENT

(SHRI HITENDRA TRIPATHI, GOVT. ADVOCATE FOR STATE)

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

ORDER

Heard. Perused the case diary.

2. This is first bail application filed by the applicant – Vikram S/o. Gopal under Section 439 of Code of Criminal Procedure, 1973 for grant of bail. He is being implicated in Crime No.903/2022, registered at Police Station Manawar, District-Dhar, for the offence punishable under Sections 302, 365, 323, 294, 506 and 34 of the IPC.
3. As per prosecution on 09.08.2008, the complainant Badal Bhilala was sitting outside his house along with his brother Krishna. At about

2:00 PM, co-accused Lokesh and Chainsingh came on a motorcycle and asked Krishna as regards him talking to their niece. They beat him and forcibly took him on their motorcycle. Thereafter the complainant, his mother and son of his aunt went for searching Krishna on a motorcycle and found Krishna at Gram Jamniyamota under a tree where co-accused Chainsingh, Lokesh, and Arvind and the applicant were abusing him. Chainsingh beat him with fists, whereas accused Lokesh assaulted Krishna with a wooden stick. Krishna was then saved by complainant party and his mother and thereafter all the accused fled away from the spot by threatening them of dire consequence. Later on, Krishna was taken to the hospital by his family where he succumbed to his injuries. Upon lodging of report by complainant, the applicant has been arrested for the present offence.

4. Learned counsel for applicant submits that applicant is innocent and has been falsely implicated in the aforesaid offence. He further submits that there is no allegation against the applicant with regard to abducting of deceased or assaulting him in any manner with any weapon. The applicant is not even alleged to have been carrying any weapon with him and no recovery has been made from him. The allegation against the applicant is of assaulting the deceased with hands and fists. Allegation as regards abducting the deceased and assaulting him with wooden stick is on the other co-accused. Investigation has been completed and charge-sheet has been filed in the matter. Further custodial interrogation of the applicant is no longer required. Applicant is behind the bars since 11.08.2022 and the trial will take sufficient time to conclude. Hence, prays for

enlargement of the applicant on bail.

5. Per Contra, learned counsel for the non-applicant/State on the other hand has opposed the application and prays for its rejection.

6. I have heard learned counsel for the parties at length and perused the case-diary.

7. The allegation against the applicant is that of assaulting the deceased with hands and fists and there is no allegation against him of having abducted the deceased and assaulting him with any weapon. The allegation of abducting the deceased and assaulting him with wooden stick is on the other co-accused. The applicant was not armed with any weapon nor any recovery has been made from him. Investigation has been completed and charge-sheet has been filed in the matter. Further custodial interrogation of the applicant is no longer required. Hence, without commenting anything on merits of the case, I am of the considered opinion that applicant is entitled to be enlarged on bail. Accordingly, application filed by applicant is hereby allowed. The applicant is directed to be released on bail on his furnishing a personal bond in the sum of Rs.50,000/- (Rupees Fifty Thousand) with one solvent surety of like amount to the satisfaction of Trial Court for his regular appearance before the concerned Court with a condition that he shall remain present before the Trial Court on all such dates as may be fixed in this behalf by the Court concerned during the pendency of trial.

8. The applicant shall also abide by the conditions enumerated under Section 437(3) of Code of Criminal Procedure, 1973.

9. Miscellaneous Criminal Case No.55437/2022, stands

allowed and is disposed off in above terms.

10. Let a copy of this order be sent to the Court concerned for compliance.

Certified copy as per Rules.

**(PRANAY VERMA)
JUDGE**

SS/-

