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IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE

BEFORE
HON'BLE SHRI JUSTICE RAJENDRA KUMAR (VERMA)

ON THE 2nd OF DECEMBER, 2022

MISC. CRIMINAL CASE No. 56722 of 2022

BETWEEN:-

1. VIJENDRA SINGH S/O ARJUN, AGED ABOUT 25 YEARS, OCCUPATION: AGRICULTURIST VILLAGE JHADKIYA P.S. KURAWAR TEHSIL NARSINGHGARH DISTRICT RAJGARH (MADHYA PRADESH)

2. RAHUL @ YOGENDRA SINGH S/O AMAR SINGH, AGED ABOUT 25 YEARS, OCCUPATION: AGRICULTURIST VILLAGE JHADKIYA, P.S.KURAWAR, TEHSIL NARSINGHGARH (MADHYA PRADESH)

....APPLICANTS

(SHRI HARSHVARDHAN PATHAK, LEARNED COUNSEL FOR THE APPLICANTS)

AND

THE STATE OF MADHYA PRADESH STATION HOUSE OFFICER THROUGH POLICE STATION KURAWAR DISTRICT RAJGARH (MADHYA PRADESH)

....RESPONDENTS

(SHRI SUDHANSHU VYAS, LEARNED PANEL LAWYER FOR THE RESPONDENT/STATE)

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

ORDER

This is first bail application under Section 439 of Criminal Procedure Code, 1973, filed by the applicants for grant of bail during trial.

The applicants are facing trial in connection with Crime No.529/2022 registered at Police Station Kurawar, District Rajgarh for the offence punishable

under Sections 307,294,323,506,325,34 of IPC. The applicants are in custody since 07.11.2022.

As per prosecution story, on 06.11.2022 complainant Dharmendra Singh lodged FIR that in the morning co-accused Rohit and his father Amar Singh were quarreling with injured Mahipal and Aniruddha on the issue of destroying *medh* and when the complainant went to pacify them, at that time it is alleged that co-accused Rohit caused injury to Mahipal Singh on the back of the head by means of sword and the present applicants caused injury to Aniruddha by means of *Lathi*. It is further alleged that co-accused Shailendra and Jotsingh also came armed with *Lathi* and caused injury to complainant Dharmendra Singh. Accordingly, case has been registered against the applicants.

Learned counsel for the applicants submits that the applicants are innocent and have falsely been implicated in the present case. There is no legal evidence to connect the present applicants with the aforesaid crime. As per the allegation, the applicants were armed with *lathi*. No injury dangerous to life is caused by the present applicants. There are no criminal antecedents against the applicants. The applicants are in custody since 07.11.2022, charge sheet has been filed and conclusion of trial will take sufficient time. On the aforesaid grounds, prayer is made to release the applicants on bail.

Learned Panel Lawyer for the State has opposed the prayer and prayed for its rejection, but fairly admits that the applicants have no criminal antecedents.

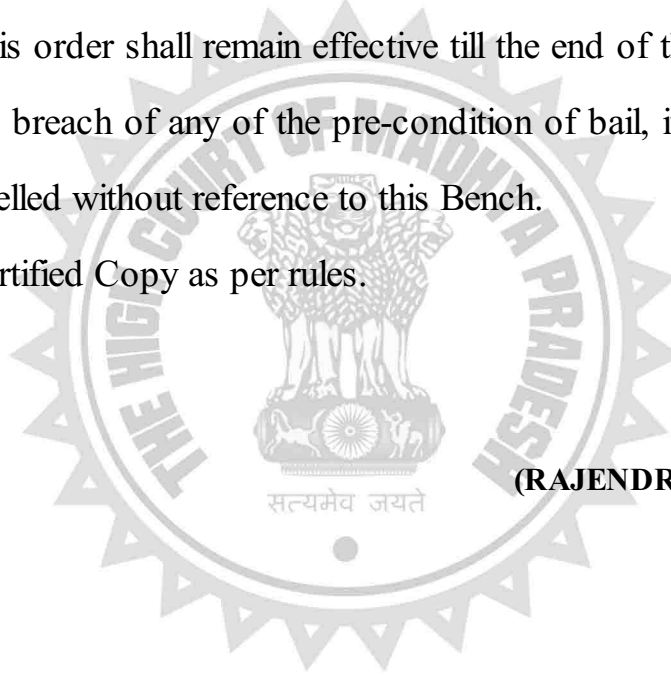
Looking to the facts and circumstances of the case, on a perusal of the material available on record including the case diary and without commenting on the merits of the case, this application is **allowed**.

It is directed that the applicants/accused be released on bail on their furnishing a personal bond in the sum of **Rs.50,000/- (Rupees Fifty Thousand Only) each** with one solvent surety each in the like amount to the satisfaction of the trial court for securing their presence before the said Court on all the dates of hearing fixed in this regard during trial. It is also directed that the applicants shall comply with the provisions of Section 437(3) Cr.P.C.

In view of the outbreak of 'Corona Virus disease (COVID-19)' the concerned jail authorities are directed to follow the directions/guidelines issued by the Government with regard to 'COVID-19' before releasing the applicants.

This order shall remain effective till the end of the trial but in case of bail jump and breach of any of the pre-condition of bail, it shall become ineffective and cancelled without reference to this Bench.

Certified Copy as per rules.



(RAJENDRA KUMAR (VERMA))
JUDGE