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**IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE**

**BEFORE
HON'BLE SHRI JUSTICE ANIL VERMA**

ON THE 25th OF MAY, 2023

MISC. CRIMINAL CASE No. 22738 of 2023

BETWEEN:-

**RUPESH S/O KHAM Singh, AGED ABOUT 28 YEARS,
OCCUPATION: LABOR R/O VILLAGE PALSAWAD P.S.
SUNDERSI DISTT. SHAJAPUR (MADHYA PRADESH)**

.....APPLICANT

(SHRI MANOJ SAXENA, ADVOCATE)

AND

**THE STATE OF MADHYA PRADESH STATION HOUSE
OFFICER THROUGH POLICE STATION SUNDERSI DISTT.
SHAJAPUR (MADHYA PRADESH)**

.....RESPONDENTS

(SHRI HEMANT SHARMA, GOVT. ADVOCATE)

.....

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

ORDER

Applicant has filed this first bail application under Section 439 of the Code of Criminal Procedure, 1973 on behalf of the applicant for grant of regular bail relating to Crime No.33/2023 registered at P.S., Sundersi, District Shajapur (M.P.) for commission of offence punishable under Section 307, 323 of IPC.

As per prosecution story, complainant lodged report that applicant's pipeline was passing nearby side of his agriculture field. The said pipeline was damaged and the applicant asked to get repaired the same. On account of the same the quarrel took place between the applicant and complainant. The

applicant abused and assaulted the complainant. Accordingly, a case has been registered.

Learned counsel for the applicant submits that applicant is innocent and he has been falsely implicated in this matter. Initially Police has registered the offence under Section 323, 294, 506/34 of IPC, but later on Section 307 of IPC has been added. The victim Arjun has been discharged from the hospital after seven days. The quarrel took place on account of petty issue. The cross FIR has also been registered. The applicant is in jail since 25.3.2023. Investigation is over and charge sheet has been filed and no further custodial interrogation is required. He is a permanent resident of District Shajapur. Final conclusion of trial will take considerable long time. Hence, he prays that applicant be released on bail.

Per-contra, learned counsel for respondent/State opposes the bail application and prays for its rejection by submitting that victim sustained hairline fracture on his head and also sustained fracture of his radius bone, therefore, he is not entitled for grant of bail.

Perused the impugned order of the court below.

Considering all the facts and circumstances of the case, arguments advanced by counsel for the parties, nature and gravity of allegation as also taking note of the fact that applicant has used only wooden part of the Farsi, victim Arjun did not sustain any injury by any hard or sharp object and discharged from hospital after seven days, the applicant is in jail since 25.3.2023, investigation is over, charge sheet has been filed and no further custodial interrogation is required, applicant has no criminal past and final conclusion of trial will take considerable long time, I deem it proper to release

the applicant on bail.

Accordingly, without commenting on the merits of the case, the application is allowed. It is directed that the applicant be released on bail upon his furnishing a personal bond in the sum of **Rs.75,000/- (Rs. Seventy Five Thousand only)** with one solvent surety in the like amount to the satisfaction of the trial Court for his appearance before the trial Court, as and when required. He shall abide by the conditions enumerated u/S. 437(3) Cr.P.C.

Certified copy as per rules.

patil



(ANIL VERMA)
V. JUDGE