

IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE

BEFORE

HON'BLE SHRI JUSTICE ANIL VERMA

ON THE 5th OF AUGUST, 2024

MISC. CRIMINAL CASE No. 18314 of 2024

ISHWAR SINGH

Versus

THE STATE OF MADHYA PRADESH

Appearance:

Shri Vikas Rathi, learned counsel for the applicant.

Shri Tarun Pagare, learned P.L. for the respondent / State.

ORDER

This is the third (repeat) application filed by the applicant under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail relating to Crime No.280/2021 registered at Police Station Kanad, District Agar Malwa (M.P.) for the offence under Sections 302, 307, 323, 324, 325, 147, 148, 149 of the Indian Penal Code, 1860 and Section 25 and 27 of Arms Act. The applicant is in custody since 28.09.2021.

As per prosecution story, on 16.09.2021 when the complainants were going to their agricultural field, at that time present applicant alongwith other co-accused persons armed with sword, farsi, katta and wooden stick came there and caused injuries to the complainant and other victim persons, due to which Umraosingh sustained fatal injuries and during the treatment he died. Initially, *Dehati Nalishi* has been lodged. Thereafter, FIR has been registered against the present applicant and other co-accused persons.

Learned counsel for the applicant submits that the applicant is an innocent person and he has been falsely implicated in this offence. He is in custody since

28.09.2021 and already suffered jail incarceration for more than 2 years and 10 months, his earlier two applications have been dismissed as withdrawn. Applicant is permanent resident of District Agar Malwa. Final conclusion of the trial is likely to 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 counsel for the respondent / State opposes the bail application and prays for its rejection by submitting that offence is serious in nature, after rejection of earlier applications, there is no material change in circumstances to grant bail to the present applicant.

Both the parties heard at length and perused the impugned order of the trial Court as well as the case diary with due care.

After considering all the facts and circumstances of the case, nature and gravity of offence, arguments advanced by the learned counsel for the applicant and also taking note of the fact that a group of 14 accused individuals committed a brutal murder of the deceased Umraosingh and some of the complainant have been injured, a 23 inch long sword has been recovered from the possession of the present applicant, therefore, in view of the evidence available on record, this Court is not inclined to grant bail to the present applicant.

In view of the above, this third (repeat) application filed by the applicant under Section 439 of the Cr.P.C. is **dismissed**.

Certified copy as per rules.

(ANIL VERMA)
JUDGE

