

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

BEFORE

HON'BLE SHRI JUSTICE BINOD KUMAR DWIVEDI

ON THE 11th OF JUNE, 2024

MISC. CRIMINAL CASE No. 21164 of 2024

BETWEEN:-

**BABULAL S/O SHRI PANNALAL JADAV, AGED ABOUT 67
YEARS, OCCUPATION: NA MAKAN NO. 2/2, WARD NO.
20, NEAR HANUMAN MANDIR, KISHANGARH, PATADA,
DIST. DEWA POLICE STATION BAROTHA, DISTRICT
DEWAS (MADHYA PRADESH)**

.....APPLICANT

**(BY SHRI SHRI A. SIRPURKAR LEARNED SENIOR ADVOCATE WITH SHRI
BABLU PATEL, ADVOCATE)**

AND

**THE STATE OF MADHYA PRADESH STATION HOUSE
OFFICER THROUGH POLICE STATION BAROTHA
DISTRICT DEWAS (MADHYA PRADESH)**

.....RESPONDENT

**(BY SHRI ANOKHI LAL KHAROL, ADVOCATE [OBJ].
(BY MS. HARSHLATA SONI, PANEL LAWYER)**

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

ORDER

This is first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of bail during trial relating to Crime No. 179/2024 dated 19.04.2024, registered at Police Station- Barotha, District- Dewas, for the offence under Sections 326, 294, 506 & 34 of I.P.C. The applicant is in custody since 20.04.2024.

2. Prosecution story found to be proved that on 18.04.2024 at around 5:30 PM, the complainant reached at the house of applicant and while he was

parking his bike the applicant and his son Mukesh saw him and started abusing him instantly. It is alleged that the applicant Babulal was armed with Faliya and co-accused Mukesh was armed with sword. When the complainant tried to stop them from abusing, the co-accused Mukesh attacked the complainant with his sword which damaged his helmet and his thumb was cut-off.

3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the present crime. He further submitted that is a case of counter attack. The chargesheet has been filed and investigation is over. It is further submitted that there are no criminal antecedents against the applicant. He is in custody since 20.04.2024 near about two month. Final conclusion of trial will take sufficient long time. Under these circumstances, counsel for the applicant prays for grant of bail to the applicant.

4. Per contra, learned counsel for the objector as well as learned counsel for the State have opposed the application and prayed for its rejection. Counsel for the objector contended that the complainant has been brutally attacked by the applicant and his left hand thumb was chopped off and complainant has suffered grievous injuries on other parts of the body also, therefore, it is prayed that the application for grant of bail may be rejected.

5. I have heard the learned counsel for the parties and perused the record.

6. From perusal of record it is seen that the counter case has also been registered against the complainant Meherban Singh. It is also seen that the thumb has been chopped off by the alleged assault by the co-accused. Looking to the facts and circumstances of the case and the arguments advanced by the learned counsel for the parties and nature of allegation, without commenting on

the merits of the case, this application is **allowed**.

7. It is directed that the applicant be released on bail on his furnishing a personal bond in the sum of **Rs.50,000/- (Rupees Fifty Thousand Only)** with one solvent surety in the like amount to the satisfaction of the trial court for securing his presence before the concerned trial Court on all the dates of hearing fixed in this regard during trial. The applicant shall also abide by the conditions as enumerated under Section 437(3) of the Cr.P.C.

8. This order shall be effective till the end of the trial. However, in case of bail jump and breach of any of the conditions of bail, it shall become ineffective.

9. It is also made clear that if the applicant involves in any type of criminal activity in future, then the bail can be cancelled by the learned Trial Court.

10. With the aforesaid, this first bail application filed by applicant under section 439 Cr.P.C. is hereby allowed and **disposed off**.

Certified copy as per rules.

(BINOD KUMAR DWIVEDI)
V. JUDGE