



IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE

BEFORE

HON'BLE SHRI JUSTICE SUBODH ABHYANKAR

ON THE 6th OF SEPTEMBER, 2024

MISC. CRIMINAL CASE No. 37443 of 2024

RAMLAL RATHORE

Versus

THE STATE OF MADHYA PRADESH

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Appearance:

Shri Yogesh Kumar Gupta - Advocate for the applicant.

Shri Pranay Joshi, learned counsel appearing on behalf of Advocate
General.

Shri Madhuri Joshi, learned counsel for the respondent/complainant.
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ORDER

1] They are heard and perused the case diary.

2] This is the applicant's second bail application under Section 483 of the Bhartiya Nagrik Suraksha Sanhita, 2023/section 439 of Cr.P.C. as he is implicated in connection with Crime No.557/2022 registered at Police Station Simrol District-Indore (MP) for offence punishable under Sections 302, 323, 294 & 34 of the IPC. The applicant is in custody since 14.12.2022.

3] The earlier application of the application had already been dismissed by this Court on merits considering the eye witness account vide order dated 26.2.2024 passed in MCRC.No.8024/2024.

4] Counsel for the applicant has submitted that subsequently various witnesses have also been examined. It is further submitted that at the time when the earlier application was decided attention of this Court was not drawn to the fact that the material witnesses were already examined and have not supported the case of the prosecution and this court has considered only the statement of the prosecution witnesses under Section 161 of the CRPC.

5] Counsel for the applicant has also drawn attention of this Court to the deposition of the 11 witnesses, who have been examined in the trial Court and none have supported the case of the prosecution. It is also submitted that although a bamboo has been seized from the present applicant, the FSL report regarding which is also positive, and admittedly, the deceased had died due to internal injury on his head, and he did not even lodge any report



on the date of incident, but after his death on the other day, the report has been filed. It is submitted that the other co-accused Babu @ Ravi Saini has already been granted bail by this Court vide order dated 29/3/2023 passed in MCRC.No.13325/2023. It is further submitted that there are no criminal antecedents pending against the present applicant and the final conclusion of trial will take sufficient long time. Thus, it is prayed that the application be allowed.

6] Counsel for the respondent/State and also counsel for the respondent/objector have opposed the prayer and it is submitted that no case for interference is made out.

7] Having considered the rival submissions and on perusal of the case diary as also the documents filed on record, and considering the fact that all the material witnesses examined until now have already turned hostile including the witness to CCTV clip and also the fact that in the post mortem report only some bruises have been found on the person of the deceased and further taking note of the fact that the final conclusion of the trial is likely to take sufficiently longtime, in the considered opinion of this Court, the applicant's application deserves to be allowed. Accordingly, without commenting on the merits of the case, the application filed by the applicant is hereby allowed.

8] The applicant is directed to be released on bail upon furnishing a personal bond in the sum of **Rs.50,000/- (rupees Fifty thousand)** with one solvent surety of the like amount to the satisfaction of the trial Court for his/her regular appearance before the trial Court during trial with a condition that he / she shall remain present before the court concerned during trial and shall also abide by the conditions enumerated under Section 437 (3) Criminal Procedure Code, 1973.

9] The Misc. Criminal Case stands **allowed**.

(SUBODH ABHYANKAR)
JUDGE