



IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE

BEFORE

HON'BLE SHRI JUSTICE SANJEEV S KALGAONKAR

ON THE 2nd OF DECEMBER, 2024

MISC. CRIMINAL CASE No. 50822 of 2024

BHUPENDRA@ BITTU AND OTHERS

Versus

THE STATE OF MADHYA PRADESH

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Appearance:

Shri Ashish Gupta, Advocate for the applicants.

Shri Viraj Godha, Govt. Advocate for the respondent/State.

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ORDER

This *first* bail application has been filed by applicants under Section 483 of BNSS, 2023/439 of Cr.P.C. for grant of bail in connection with Crime No.695/2024 registered at Police Station - Barwani, District Barwani, (M.P.) for offences punishable under Sections 296 109(1) 190 191(2) 115(2) 351(3) of the BNS 2023. Applicant is in judicial custody since 06.11.2024.

As per the case of prosecution, Shantilal Kannoje reported to PSBarwani that on 02.11.2024 at around 01.30 in the afternoon he was chatting with his friend Dilip, Rahul, Subhash and others at Chunabhatti Chouraha. Raghu called on phone to his friend that some persons of *Pendra Basahat* are assaulting him therefore, he alongwith his friends went to *Pendra Basahat*. Raghu met them and informed that Nishant and his associates have assaulted him. They went to the house of Nishant. Manish Jamre and other villagers gathered and started assaulting them with kicks



and fists and wooden sticks. When they tried to escape, Rohit Koche, Sitaram, Prakash Tersingh and Manish assaulted him with kicks and fists. They also pelted stones on them. Subhash was advising Rohit Koche. Rohit suddenly pulled out a knife and assaulted Subhash on his abdomen with knife. Subhash sustained injury. He was taken to hospital. On such allegations, PS Barwani, District Barwani registered FIR at Crime No.695/2024 for offences punishable under Sections 296 109(1) 190 191(2) 115(2) 351(3) of the BNS 2023 against Rohit, Tersingh Prakash, Manish Jamre, Sitaram and unknown offenders. Rohit was arrested. Rohit informed to police that Bhupendra Awasia and Chandan who were his associates, had pelted stones. Accordingly, Bhupendra @ Bittu(applicant) and Chandan @ Pimpiya(applicant) were arrested on 06.1.2024. They are in custody ever since. Investigation is pending.

Learned Counsel for the applicants in addition to the grounds mentioned in the application, submits that the applicants have been falsely implicated in this matter merely on the basis of statement of co-accused in police custody. The applicants were not named in the FIR. Further, none of the injured has made allegation against the applicants. Applicant Bhupendra @ Bittu is aged around 25 years and applicant Chandan @ Pimpiya is aged around 20 years. Both of them are driver and labourer. There is no likelihood of their absconsion leaving their family, home and profession. There is no likelihood of tampering with the evidence by the applicants. The trial would take time to complete. Therefore, applicant may be extended the benefit of bail.



Per contra, learned counsel for the respondent/State opposes the bail application on the ground of gravity of alleged offence and cites criminal history of one case against applicant No.1 - Bhupendra @ Bittu.

In reply, learned counsel for the applicant submits that the matter is pending for trial and the applicant has never been convicted.

Heard learned counsel for the parties and perused the case diary.

Considering the arguments advanced by both the parties and overall circumstances of the case, having regard to the young age of the applicant, but without commenting on merits of the case, this Court is inclined to release the applicant on bail. Thus, the application is allowed.

Accordingly, it is directed that applicant- Bhupendra @ Bittu and Chandan @ Pipiya shall be released on bail in connection with Crime as stated in para-1 of this order, upon furnishing personal bond and surety bond of amount, as may be considered appropriate by the Trial Court/the Committal Court for compliance with conditions, as may be imposed by such Court to secure presence of the applicants for the trial under Section 437(3) of Cr.P.C., 1973/Section 480(3) of BNSS, 2023.

This order shall be effective till the end of trial. However, in case of breach of any of the preconditions of bail, the concerned Court may consider, on merit, cancellation of bail without any impediment



of this order.

The concerned trial court shall get the conditions reproduced on the personal bond by the accused and on surety bond by the surety concerned. If any of the them is unable to write, the scribe shall certify that they had explained the conditions to the concerned accused or the surety.

C.C. as per rules.

(SANJEEV S KALGAONKAR)
JUDGE

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