



1

MCRC-28261-2025

IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE

BEFORE

HON'BLE SHRI JUSTICE SUBODH ABHYANKAR

ON THE 11th OF JULY, 2025

MISC. CRIMINAL CASE No. 28261 of 2025

KESAR SINGH

Versus

THE STATE OF MADHYA PRADESH

.....
Appearance:

Shri Manish Kumar Vijaywargiya - Advocate for the applicant.

Shri Tarun Pagare- G.A. for the State.

Shri Mohammad Ikram Ansari- Advocate for the objector.

.....

ORDER

They are heard. Perused the challan papers.

2] This is the applicant's **second** bail application filed under Section 483 of Bharatiya Nagrik Suraksha Sanhita, 2023/ 439 of Criminal Procedure Code, 1973, as he/ she is implicated in connection with Crime No.56/2024 registered at Police Station Karanwas, District Rajgarh (MP) for offence punishable under Sections 147, 148, 149, 302 and 323 of the IPC. The applicant is in custody since 03.04.2024. His first bail application M.Cr.C. No.38263 of 2024 has already been dismissed by this Court vide order dated 20.09.2024.

3] The allegation against the applicant is that he was also involved in the aforesaid case of murder of one Mahendra Singh.

4] Counsel for the applicant has submitted that the applicant is lodged in jail since 03.04.2024, and the material witnesses have been examined subsequently. It



is also submitted that in the video recording of the incident, which is also filed before the Trial Court, the applicant and co-accused were neither holding, nor carrying any weapon to the place of incident, which has also been admitted by PW-2. It is further submitted that the applicant is lodged in jail since 03.04.2024 and the final conclusion of trial is likely to take sufficient long time. Thus, the application may be allowed.

5] Counsel for objector, on the other hand, has opposed the prayer, and it is submitted that the presence of the applicant is established on the spot, and thus, no case for grant of bail is made out.

6] Counsel for the State has also opposed the prayer.

7] Having considered the rival submissions, and on perusal of the case-diary, it is found that although the FIR has been lodged against five persons, including the present applicant, however, the main allegations of causing injuries to the deceased are on Lakhan Singh and Arjun, whereas, the applicant has assaulted the complainant Jitendra Gurjar with a stick, on his head, and Jitendra has been hospitalized for a period of around three days. It is also found that the incident appears to have taken place at the spur of the moment, on account of a trivial dispute between the parties regarding pipeline, which was being laid by the complainant party in their field. In view of the same, this Court is of the considered opinion that further custody of the applicant would not be necessary.

8] Accordingly, without commenting on the merits of the case, the application filed by the applicant is allowed. The applicant is directed to be released on bail upon furnishing a personal bond in the sum of Rs.25,000/- (Rupees Twenty Five 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



3

MCRC-28261-2025

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] M.Cr.C. stands *allowed* and *disposed of*.

Certified copy as per rules.

(SUBODH ABHYANKAR)
JUDGE

Bahar