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MCRC-41211-2025

IN THE HIGH COURT OF MADHYA PRADESH  
AT INDORE

BEFORE

HON'BLE SHRI JUSTICE SANJEEV S KALGAONKAR

ON THE 16<sup>th</sup> OF SEPTEMBER, 2025MISC. CRIMINAL CASE No. 41211 of 2025*GOURISHANKAR**Versus**THE STATE OF MADHYA PRADESH*

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Appearance:

Shri Tarun Kushwaha advocate for the applicant.

Shri Vinod Thakur public prosecutor for the State.

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ORDER

This *first* application has been filed by the applicant under Section 483 of BNSS, 2023 for grant of bail in connection with Crime No. 452/2025 registered at Police Station - Station Road, Ratlam District Ratlam (M.P.) for offence punishable under Section 103(1), 109(1), 115(2), 296, 3(5) of BNS. Applicant is in judicial custody since 26.5.2025.

Heard the arguments.

Perused the grounds for grant of bail stated in the application, case diary and the relevant material on record.

Learned counsel for the applicant, in addition to the grounds mentioned in the application, submits that the applicant is falsely implicated in the alleged offence. Initially, the complainant Sanjay lodged FIR against seven named accused. Name of applicant was not mentioned in the FIR. However, Sanjay in his statement recorded under Section 180 of The Bharatiya Nagarik Suraksha Sanhita, 2023, on the same day, made general and omnibus allegation of assault by the applicant. It is a case of false over implication wherein all the relatives and acquaintance of the



accused party have been implicated. Learned counsel contends that there was a quarrel over previous dispute on petty matter of dancing at a marriage function. The final report has been submitted on completion of investigation. There is no likelihood of tampering with evidence by the applicant for the reason that he is poor labourer and not capable to influence the witness. Jail incarceration is causing hardship to the young applicant. Applicant is ready to cooperate in the trial.

*Per contra*, learned counsel for the State opposes the application on the ground of gravity of alleged offence. Learned counsel refers to one criminal antecedent against the applicant as mentioned in the case diary.

In reply, learned counsel for the applicant submits that the other matter is pending for trial. The applicant has never been convicted for any offence.

According to the material available on case diary, the complainant party had an altercation with Pramod @ Pamma over dancing in a commontation on 26.5.2025. Pamma came to attend the marriage of Deepak. There was an altercation between Shyamlal, Dashrath and Manoj with Pramod. Jagdish and Pramod assaulted Shyamlal with wooden stick. Vinod and Sunil assaulted Dashrath with wooden stick. Vikas and Deepak assaulted Manoj with wooden stick. Local villagers gathered. The accused also assaulted Chainubai. Shyamlal, Dashrath, Manoj, Chainubai and Sanjay sustained injuries. Shyamlal was taken for treatment to Government Hospital, Ratlam. The Medical Officer declared him dead. Manoj and Dashrath were admitted for treatment. The Police Station, Station Road, Ratlam registered FIR for offence punishable under Sections 103(1), 109(1), 115(2), 296, 3(5) of BNS on complaint of Sanjay against the co-accused. The applicant was implicated later on the basis of the statements by other witnesses. There appears to be no specific allegation with regard to the assault by the applicant. There is



general allegation that he joined in assault later. The veracity of prosecution, role and complicity of applicant will be determined after evidence in the trial. The trial would take time to conclude.

As informed, the applicant is aged around 20 years and is a labourer by profession. He is still dependent on his family and survives on occasional labour work. Considering these aspects, there appears to be no possibility of fleeing from justice. In absence of substantial criminal past and previous conviction for any major offence, considering the socio-economic status of the applicant, there appears to be no likelihood of tampering with evidence or influencing the witnesses by the applicant. There appears to be no compelling reason to continue incarceration of the young applicant. However, the observations, herein-above, are recorded for present application only.

Considering the rival contentions and overall circumstances of the case, in the light of aforesaid facts, but without commenting on the merits, this Court is inclined to release the applicant on bail. Thus, the application is allowed.

Accordingly, it is directed that **applicant -Gourishankar** shall be released on bail in connection with the Crime as mentioned in first paragraph of this order, upon furnishing a personal bond in the sum of **Rs.75,000/- (Rupees Seventy Five Thousand only)** with one solvent surety of the same amount to the satisfaction of the Trial Court, for compliance with the following conditions : (For convenience of understanding by accused and surety, the conditions of bail are also reproduced in Hindi as under):-

(1) Applicant shall remain present on every date of hearing as may be directed by the concerned court;

(1) आवेदक संबंधित न्यायालय के निर्देशानुसार सुनवाई की प्रत्येक तिथि पर उपस्थित रहेगा ।

(2) Applicant shall not commit or get involved in any offence of similar nature;

(2) आवेदक समान प्रकृति का कोई अपराध नहीं करेगा या उसमें सम्मिलित नहीं होगा ।



(3) Applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them/him/her from disclosing such facts to the Court or to the police officer;

(3) आवेदक प्रकरण के तथ्यों से परिचित किसी व्यक्ति को प्रत्यक्ष या अप्रत्यक्ष रूप से प्रलोभन, धमकी या वचन नहीं देगा, जिससे ऐसा व्यक्ति ऐसे तथ्यों को न्यायालय या पुलिस अधिकारी को प्रकट करने से निवारित हो

(4) Applicant shall not directly or indirectly attempt to tamper with the evidence or allure, pressurize or threaten the witness;

(4) आवेदक प्रत्यक्ष या अप्रत्यक्ष रूप से साक्ष्य के साथ छेड़छाड़ करने का या साक्षी या साक्षियों को बहलाने-फुसलाने, दबाव डालने या धमकाने का प्रयास नहीं करेगा ।

(5) During trial, the applicant shall ensure due compliance of provisions of Section 309 of Cr.P.C./346 of Bharatiya Nagarik Suraksha Sanhita, 2023 regarding examination of witnesses in attendance;

(5) विचारण के दौरान, उपस्थित गवाहों से परीक्षण के संबंध में आवेदक धारा ३०९ दं. प्र.सं./ ३४६ भारतीय नागरिक सुरक्षा संहिता, 2023 के प्रावधानों का उचित अनुपालन सुनिश्चित करेगा ।

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

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

C.C. as per rules.

(SANJEEV S KALGAONKAR)  
JUDGE

BDJ