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MCRC-45296-2025

IN THE HIGH COURT OF MADHYA PRADESH  
AT INDORE

BEFORE

HON'BLE SHRI JUSTICE HIMANSHU JOSHI

ON THE 1<sup>st</sup> OF OCTOBER, 2025

MISC. CRIMINAL CASE No. 45296 of 2025

*TOHID*

*Versus*

*THE STATE OF MADHYA PRADESH*

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Appearance:

Shri Rizwan Khan - Advocate for the petitioner [P-1].

Shri Tarun Pagare - Govt. Advocate for the respondent/State.  
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ORDER

This is first application filed by the applicant under Section 483 of the Bhartiya Nagarik Suraksha Sanhita, 2023 (Section 439 of Cr.P.C.) for grant of regular bail relating to FIR/Crime No.316/2025 registered at Police Station Agar District Agar Malwa for the offence punishable under Sections 296, 109, 118(1) of BNS, 2023. Applicant is in custody since 08.07.2025.

2. As per the case of the prosecution, on 08/07/2025 near Govt. School, a Tin Shed was being developed and for the same material was to-be supplied by various tractors, wherein the material was to be collected from a mine near Bhanpura. It is alleged that, when the applicant went for the 57" time and lined up for having the tractor trolley filled with construction material, the applicant entered into an altercation with the victim. During the altercation the applicant made 3 knife blows. After this the victim was rushed to the hospital and thereafter crime no. 316/2025 was registered under Sec. 296, 109, 118(1) of Bhartiya Nyaya Sanhita, 2023.

3. Learned counsel for the applicant submits that the applicant is



innocent and has been falsely implicated in the crime in question. There is no legal evidence to connect the applicant with the aforesaid crime. Investigation is over and chargesheet has already been filed. If an injured had sustained dangerous injuries, then he should have been hospitalized, however, as pre medical documents, there is no mention of hospitalization of the injured in any hospital. Applicant is in custody since 08.07.2025. Conclusion of trial will take sufficient long time. Under these circumstances, counsel prayed for grant of bail to the applicant.

4. Per contra, learned counsel for the State has opposed the prayer and submitted that looking to the nature of allegation, the applicant is not entitled to be released on bail in case of his release strict conditions be imposed.

5. Heard the submissions and perused the case diary.

6. A perusal of the MLC report, prima facie, it reflects that the following injuries were sustained by the injured:

- 1. one incised wound present over left arm just above left elbow approx. size of 3cm x 2 cm x 0.5 cm*
- 2. Incised wound present over left flank approx. size of 1 cm x 1 cm x 1 cm (width)*
- 3. Incised wound present over left buttock approx. size of 1 cm x 1 cm x 2 cm (width)*
- 4. Abrasion present over left foot over great toe approx. size of 2 cm x 2 cm.*

As per the report submitted by doctor, if the injured is not getting treatment, the injuries would become dangerous to life, however, as asserted by counsel for the applicant it is evident from the medical documents that there is no hospitalization of the injured for a single day, therefore, this Court is of the view that the applicant deserves to be enlarged on bail.

7. Thus, taking into consideration the totality of circumstances of the



case, and the fact that the applicant is in custody since 08.07.2025, this Court is of the considered view that it is a fit case to release the applicant on bail. Therefore, without expressing any view on the merits of the case, the application is allowed.

8. Accordingly, it is directed that **applicant- Tohid** shall be released on bail in connection with Crime, as mentioned in first paragraph of this order, upon furnishing a personal bond in the sum of Rs.50,000/- (**Rupees Fifty Thousand only**) with one 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 ।

(6) The applicant shall mark his presence before the SHO, P.S.- Mahidpur Road, District. Ujjain- (M.P.) on every Saturday of month till conclusion of trial. A copy of this order be forwarded to the concerned SHO for compliance with the case diary.

9. 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.

10. 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 had explained the conditions to the concerned accused or the surety.

11. It is further directed that the applicant shall comply with the provisions of Section 480(3) of BNSS.

12. Accordingly, M.Cr.C. stands disposed of.

C.C. as per rules.

(HIMANSHU JOSHI)  
JUDGE