

HIGH COURT OF MADHYA PRADESH**M.Cr.C. No. 43591/2020***(Kallu @ Kalu Prasad Yadav Vs. State of M.P.)***Jabalpur, Dated :25.11.2020*****Heard through video conferencing***

Shri O.P. Dwivedi, learned counsel for the applicant.

Ms. Ankita Khare, learned Panel Lawyer for the respondent/State.

This is the first bail application filed by the applicant under Section 439 of the Cr.P.C. for grant of bail.

The applicant is in custody since 09.10.2020 in connection with Crime No.364/2020, registered at P.S. Jaisingh Nagar, district Shahdol for the offence punishable under Sections 294, 323, 506/34, 325 and 307 of the I.P.C.

As per the prosecution, the present applicant alongwith other co-accused persons assaulted Ramsajeevan with *tangi* and *lathi*. As a result of which Ramsajeevan sustained grievous injuries on his head.

Learned counsel for the applicant submitted that present applicant has been falsely implicated in this case. He is a handicapped person having his right hand amputated below the elbow level. He further submits that the only allegation against the present applicant is that he exhorted the co-accused to attack Ramsajeevan. There was no allegation against the present applicant that he used any kind of weapon to hurt Ramsajeevan.

Learned counsel for the State has opposed the bail application. She has read out the statement of eye witness Nawal Kishore.

On due consideration of the case diary and the documents annexed, it is seen that there is no allegation of using any *tangi* or *lathi* by him, the only allegation against the present applicant is that he exhorted the co-accused persons to attack the victim.

Considering the aforesaid, this application is allowed.

It is directed that applicant **Kallu @ Kalu Prasad** shall be released on bail on his furnishing a personal bond in the sum of **Rs.50,000/- (Rs. Fifty Thousand only)** with one surety in the like amount to the satisfaction of the trial Court for his presence before the said Court on all the dates of hearing fixed in this regard during the trial.

This order will remain operative subject to compliance of the following conditions :-

- “1. The applicant will comply with all the terms and conditions of the bond executed by him.*
- 2. The applicant will cooperate in the investigation/trial, as the case may be;*
- 3. The applicant will not indulge himself in extending inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to the Police Officer, as the case may be;*
- 4. The applicant shall not commit any other offence during pendency of the trial, failing which this bail order shall stand cancelled automatically without further reference to the Bench;*
- 5. The applicant will not seek unnecessary adjournments during the trial;*
- 6. The applicant will not leave India without previous permission of the trial Court/Investigating Officer, as the case may be.*

7. The learned concerned Magistrate and the prosecution are directed to ensure following of Covid-19 precautionary protocol prescribed from time to time by the Supreme Court, the Central Govt. and as well as the State Govt.”

A typed copy of this order be forwarded by the Registry to the Office of the Advocate General and to Ms. Ankita Khare, learned Panel Lawyer, on their respective email address, for intimation to the Police Station concerned. The office is also directed to forward a copy of this order to the learned Court below.

Certified copy/e-copy as per rules/directions.

(Nandita Dubey)
Judge

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