



1

MCRC-42951-2024

IN THE HIGH COURT OF MADHYA PRADESH  
AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE DINESH KUMAR PALIWAL

ON THE 14<sup>th</sup> OF OCTOBER, 2024MISC. CRIMINAL CASE No. 42951 of 2024*ASHISH THAKUR KHANGAR**Versus**THE STATE OF MADHYA PRADESH*

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Appearance:

*Shri Ashok Kumar Kosta - Advocate for the applicant.*

*Shri Shailendra Mishra - Government Advocate for the respondent/State.*

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ORDER

This is second bail application filed by the applicant under Section 483 of of BNSS/439 of Cr.P.C. for grant of regular bail in relation to FIR No.28/2024, dated 15.01.2024 registered at Police Station-Sihora, District - Jabalpur (M.P.) for commission of offence punishable under Sections 294, 323, 506, 34, 325, 307 of IPC. Applicant is in detention since 20.02.2024.

2. Applicant's first bail application was dismissed as withdrawn vide order dated 02.05.2024 passed in M.Cr.C.No.17842/2024.

3 As per the prosecution story, on 15.01.2024 Vineeta Yadav lodged an FIR stating that in the intervening night of 14 and 15.01.2024 her husband Rishi Yadav had made a call and informed that he is reaching at home within 5 - 10 minutes. After sometime, Aahiya Yadav his neighbour knocked the door and informed that Dileep Patel and his two - three friends are assaulting Rishi Yadav, at this she along with her elder sister-in-law Sangeeta, brother-in-law Umesh Yadav and father-in-law Suresh Yadav reached on the spot



and saw that Dileep Patel along with his two - three friends assaulting her husband Rishi Yadav. After some time they all sat in the Scorpio and fled away. They all took Rishi to the hospital from there he was referred to Jabalpur Hospital.

4 Learned counsel for the applicant has submitted that applicant has not committed any offence. He is innocent. He has been falsely implicated. It is submitted the injured Rishi Yadav and his wife Vineeta have already been examined before the trial Court and they have not supported the prosecution story. Therefore, it is prayed that applicant may be released on bail, pending the trial.

5 On the other hand, learned counsel for the State has opposed the prayer for grant of bail to the applicant.

6 In this case injured has already been examined before the trial Court, his wife too has also been examined. They have not supported the prosecution story, therefore, having taken into consideration the detention period of the applicant, but without expressing anything on the merits of the case, I deem it proper to release the applicant on bail. Consequently, this bail application under Section 439 of Cr.P.C./483 of BNSS for grant of bail filed on behalf of applicant, stands **allowed**.

7 It is directed that **applicant** be released on bail on his furnishing a personal bond in the sum of **Rs.50,000/- (Rupees Fifty Thousand only)** with one solvent surety in the like amount to the satisfaction of the trial Court, for his regular appearance before the trial Court during trial with a condition that he shall remain present before the concerned Court on all the dates fixed by



3

MCRC-42951-2024

it during trial. He shall abide by all the conditions enumerated under Section 480(3) of BNSS/437(3) of Cr.P.C.

8 This order shall be effective till the end of the trial. However, in case of bail jump and breach of any of the conditions of bail, it shall become ineffective.

Certified copy as per rules

(DINESH KUMAR PALIWAL)  
JUDGE

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