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MCRC-20001-2025

IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE VISHAL MISHRA

ON THE 26th OF MAY, 2025MISC. CRIMINAL CASE No. 20001 of 2025*YUNUS KHAN**Versus**THE STATE OF MADHYA PRADESH*

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Appearance:

*Shri A.K. Jain - Advocate for applicant.**Shri A.S. Baghel - Public Prosecutor for respondent/State.*
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ORDER

This is the first bail application under Section 483 of Bhartiya Nagrik Suraksha Sanhita, 2023 filed by the applicant for grant of bail. The applicant has been arrested on 15.04.2024 by Police Station Harda, District Harda (M.P.) in connection with Crime No.229 of 2024 for the offence punishable under Sections 302 & 201/34 of the Indian Penal Code.

2. It is pointed out that the applicant has falsely been implicated in the case and he has not committed any offence. Co-accused Jagdish Pawar has already been enlarged on bail by a coordinate Bench of this Court vide order dated 19.05.2025 passed in M.Cr.C.No.4412 of 2025 and the case of the present applicant is on better footing. It is argued that the eye witnesses to the incident have not supported the case of the prosecution. The complainant herself has admitted the fact that she is not the author of the FIR nor she has narrated the incident to the police authorities. The statements of some of the witnesses have been recorded before the trial Court and there are material contradictions and omissions in their statements. The charge-sheet has been filed in the matter and,



therefore, there is no further requirement of custodial interrogation of the present applicant. He is ready to abide by all the terms and conditions that may be imposed by this Court while considering his bail application. In view of the aforesaid, he prays for grant of bail.

3. Per contra, counsel appearing for the State has vehemently opposed the bail application pointing out the fact that the applicant is having a criminal history of five cases. There is a recovery of a country made pistol, magazine and cartridge from the possession of the present applicant and therefore, offences under the Arms Act has been registered against the present applicant. Two persons had died in the incident. The complainant is the wife of the deceased and she deposed that accused persons stopped them on the way and inflicted injuries by means of lathies and dandas. Therefore, involvement of the present applicant is clearly reflected in the case. The CDR has been recovered by the police authorities wherein location of the present applicant at the place of incident is clearly reflected. The injuries are medically corroborated. Therefore, prays for rejection of the bail application. However, learned State counsel could not dispute the fact that co-accused Jagdish Pawar has already been enlarged on bail by the coordinate Bench of this Court.

4. This application has been filed on the ground of parity with the other co-accused. There was allegation of inflicting injuries by means of lathi on co-accused Jadish Pawar also. The coordinate Bench of this Court has considered the aspect that one of witnesses i.e. Shiekh Rafiq, who had taken the deceased when he was alive to the hospital, appears to be a key witness before the trial court. Statement of Sheikh Rafiq is recorded before the trial court and if the statement of Sheikh Rafiq is seen, he appears to be an eye-witness to the incident. Injuries by means of lathies were inflicted by co-accused Jagdish Pawar to deceased Shyheed



Shah. There is not gun shot injury on the body of the deceased.

5. Considering the over all facts and circumstances of the case as well as the fact that principal accused has already been enlarged on bail by a coordinate Bench of this Court and the factum of parity could not be disputed by the State counsel, without commenting upon the merits of the case, this Court deems it appropriate to allow this application. Accordingly, the application is allowed. The applicant is directed to be released on bail on furnishing personal bond of **Rs.50,000/- (Rupees Fifty Thousand Only)** with one surety in the like amount to the satisfaction of trial Court. It is also directed that the applicant shall comply with the conditions as enumerated under Section 480(3) of BNS.

6. In the event of involvement of the applicant in any other offence in near future, the bail granted by this Court shall stand rejected automatically.

7. This order shall remain effective till the end of the trial but in case of bail jump and breach of any of the pre-condition of bail, it shall become ineffective and cancelled without reference to this Bench.

8. Application stands **allowed**.

Certified copy as per rules.

(VISHAL MISHRA)
V. JUDGE