

(2023) 06 MP CK 0108

In the Madhya Pradesh High Court

Case No : Miscellaneous Criminal Case No. 23876 Of 2023

Akash Singh Bhadoriya

APPELLANT

Vs

State Of Madhya Pradesh

RESPONDENT

Date of Decision : 30-06-2023

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 437(3), 439
Indian Penal Code, 1860 — Section 34, 308, 337
Arms Act, 1959 — Section 25, 27

Citation : (2023) 06 MP CK 0108

Hon'ble Judges : Satyendra Kumar Singh, J

Bench : Single Bench

Advocate : Kirti Dwivedi, Rajendra Kumar Yadav

Final Decision : Allowed/Disposed Of

Judgement

Satyendra Kumar Singh, J

This is first application filed under Section 439 of Cr.P.C for grant of bail to the applicant as he has been arrested on 27.4.2023 in connection with Crime No.163/2023 registered at Police Station Porsa, District Morena for the offence punishable under Sections 308, 337, 34 of IPC and under Section 25/27 of the Arms Act.

Prosecution story, in brief is that on 26.4.2023 the complainant along with others had gone to attend Teeka, Lagun ceremony of Rajaram Tomar brother of Akhlesh Tomar. The applicant on the instigation of co-accused Hariom, made a fire from his country made pistol which hit below the left eye of injured Uday Singh.

Learned counsel for the applicant submits that the alleged act was not intentional. Injured Uday Singh was discharged from the hospital after about four days of the incident. Investigation has been completed and charge sheet has been filed. Co-accused Hariom has been enlarged on bail by this Court. The applicant is in custody since 27.4.2023. The charge sheet has been filed. Trial will

take time to conclude and therefore, in the aforesaid circumstances, applicant is entitled for grant of bail.

Learned counsel for the respondent/State has vehemently opposed the prayer and submits that due to fire made by the applicant, Uday Singh sustained grievous injury below his left eye. Offences alleged against him are of serious in nature, therefore, the applicant is not entitled to be enlarged on bail.

Heard the learned counsel for both the parties.

Having considered rival submission, material pointed out by the learned counsel for the applicant, nature of allegations alleged against the applicant, nature of injury said to be caused by the applicant to the injured Uday Singh and also considering the fact that the investigation has been completed and charge sheet has been filed, without expressing any opinion on the merits of the case, this Court is of the view that the applicant deserves to be enlarged on bail, hence the application is allowed.

It is directed that the applicant be released on bail upon his furnishing personal bond in the sum of Rs.50,000/- (Rupees Fifty Thousand only) with a solvent surety in the like amount to the satisfaction of the concerned Court for his appearance before the Trial Court on all such dates as may be fixed in this behalf by the Trial Court during the pendency of trial. It is further directed that applicant shall comply with the provisions of Section 437 (3) of Cr.P.C.

This application is allowed and stands disposed of.

Certified copy, as per Rules.