
(2019) 11 MP CK 0053

In the Madhya Pradesh High Court

Case No : Miscellaneous Criminal Case No. 45230 Of 2019

Arun @ Bhura S/O Ramesh Choudhary

APPELLANT

Vs

State Of Madhya Pradesh

RESPONDENT

Date of Decision : 05-11-2019

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 437(3), 439
Indian Penal Code, 1860 — Section 34, 307

Citation : (2019) 11 MP CK 0053

Hon'ble Judges : S.K. Awasthi, J

Bench : Single Bench

Advocate : Abhay Kumar Saraswat, Gaurav Kumar Verma

Final Decision : Allowed

Judgement

They are heard. Perused the case diary.

This first application under Section 439 of Criminal Procedure Code, 1973 has been filed by applicant, who is implicated in connection with Crime No.470/2019 registered at Police Station Bank Note Press, Dewas, District Dewas (MP) for offence punishable under Section 307/34 of the Indian Penal Code, 1860.

The applicant is in custody since 17.09.2019.

As per prosecution story, on 14.09.2019 complainant Vishal has lodged FIR, alleging that he is working in Manoj Dhaba, Bhopal-Dewas Road; at about 04.00 PM, accused Rahul come along with his friends to celebrate Birthday Party; after completion of the Party, total bill of food is Rs.8,500/-. Accused Rahul misbehaved with the employees and owner of the Dhaba about the bill of food. Rahul and other co-accused persons abused the complainant and Rahul caused injury by knife and other co-accused persons beaten him by fist and kick. Hence, the case has been registered against the applicant and other co-accused persons under Section 307/34 of the Indian Penal Code, 1860.

Learned counsel for the applicant has submitted that the applicant is innocent and he has falsely been implicated in the present crime. It is further submitted that according to the prosecution, main allegation is against co-accused Rahul to cause stab injury to injured Vinod. The only allegation against the applicant is that he assaulted Surendra Singh, who tried to save injured Vinod. The applicant is in custody since 17.09.2019. The investigation is over; and charge sheet has been filed. Conclusion of the trial will take sufficiently long time. Under these circumstance, learned counsel for the applicant prays for grant of bail to the applicant.

Learned Public Prosecutor for the non-applicant / State of Madhya Pradesh opposes the bail application by contending that no sufficient ground is made out for releasing the applicant on bail; hence he prayed for rejection of the application.

Considering the facts and circumstances of the case and the arguments advanced by learned counsel for the parties, but without commenting on the merits of the case, the application filed by the applicant is allowed. The applicant is directed to be released on bail upon furnishing a personal bond in the sum of Rs.50,000/- (Rupees Fifty Thousand only) with one solvent surety of the like amount to the satisfaction of trial Court, for his regular appearance before the trial Court during trial with a condition that he shall remain present before the Court concerned during trial and shall also abide by the conditions enumerated under Section 437 (3) of Criminal Procedure Code, 1973.

This order shall be effective till the end of the trial, however, in case of bail jump, it shall become ineffective.

Certified copy, as per rules.