

(2021) 01 MP CK 0038

In the Madhya Pradesh High Court

Case No : Miscellaneous Criminal Case No.824 Of 2021

Bharat Dhakad @ Chhinda

APPELLANT

Vs

State Of Madhya Pradesh

RESPONDENT

Date of Decision : 11-01-2021

Acts Referred:

Indian Penal Code, 1860 — Section 147, 148, 149, 294, 302, 307, 323

Arms Act, 1959 — Section 25, 27

Code Of Criminal Procedure, 1973 — Section 439

Citation : (2021) 01 MP CK 0038

Hon'ble Judges : Anand Pathak, J

Bench : Single Bench

Advocate : Sanjay Gupta, Anand Singh Sikarwar

Final Decision : Allowed

Judgement

Anand Pathak, J

The applicant has filed this repeat bail application u/S.439 of the Cr.P.C. for grant of bail. Applicant has been arrested on 28.11.2019 by Police Station

Dehat Shivpuri, District Shivpuri, in connection with Crime No.337/2019 for the offence punishable under Sections 302, 307, 147, 148, 149, 294, 323 of

the IPC and 25/27 of Arms Act.

It is the submission of learned counsel for the applicant that he is suffering confinement since 28.11.2019 and charge-sheet has already been filed.

Applicant does not bear any criminal record. It is further submitted that allegations over the applicant is infliction of lathi blows over the members of

opposite party, but from the medical report it appears that only Pawan (injured witness) sustained some lathi blows over his elbow and hand and

injuries are simple in nature. Two deceased Deepak and Prem Singh received gun

shot injuries, out of which, Prem Singh received stab injury.

Therefore no role is attributable to the applicant so far as the offence under Sec. 302 of the IPC is concerned. The main allegations are over other co-

accused persons. Therefore, looking to the allegations supported by medical evidence, this case be considered for bail. He undertakes to cooperate in

the investigation/trial and would not be a source of embarrassment/harassment or threat to the complainant party and shall not move in the vicinity of

complainant party and shall not try to contact them through any mode.

Learned counsel for the State opposed the prayer and submitted that on the basis of omnibus allegations applicant was instrumental in inflicting injuries

to the members of opposite party, therefore his application be dismissed.

Heard learned counsel for the parties at length through VC and considered the arguments advanced by them.

Considering the period of custody as well as the fact that applicant does not bear any criminal record and looking to the allegations where deceased

succumbed due to gun shot injuries/stab wounds prima facie, this court intends to give benefit of doubt to the applicant Accordingly, without expressing

any opinion on the merits of the case, this application is allowed. It is hereby directed that the applicant shall be released on bail on his furnishing

personal bond of Rs.100,000/- (Rupees One Lac Only) along with one solvent surety of the like amount to the satisfaction of trial Court.

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

- 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 from disclosing such facts to the Court or to the Police Officer,as the case may be;

4. The applicant shall not commit an offence similar to the offence of which he is accused ; in case of any default benefit of bail shall be immediately

withdrawn.

5. Applicant will not seek unnecessary adjournments during trial; and shall not be a source of embarrassment and harassment to the complainant party

and shall not move in the vicinity of the complainant party and shall not try to contact in respect of case in hand.

6. The applicant will not leave India without previous permission of the trial Court/Investigating Officer, as the case may be.

Application stands allowed and disposed of.

E- copy of this order be sent to the trial Court concerned for compliance, if possible for the office of this Court.

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