

(2024) 04 MP CK 0193

In the Madhya Pradesh High Court

Case No : Miscellaneous Criminal Case No. 16915 Of 2024

Chotu @ Vikas And Others

APPELLANT

Vs

State Of Madhya Pradesh

RESPONDENT

Date of Decision : 26-04-2024

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 437(3), 439

Indian Penal Code, 1860 — Section 34, 294, 302, 307, 323, 506

Citation : (2024) 04 MP CK 0193

Hon'ble Judges : Prem Narayan Singh, J

Bench : Single Bench

Advocate : Nilesh Sharma, Urmila Malviya

Final Decision : Allowed

Judgement

Prem Narayan Singh, J

Heard and perused the record.

1. This first bail application has been filed on behalf of the applicant under Section 439 of the Code of Criminal Procedure for grant of bail relating to Crime No.638/2023 dated (not mentioned), registered at Police Station-Barwani, District-Barwani (M.P.) for the offence under Sections 294, 323, 506, 307, 302 & 34 of IPC, 1860. The applicant is in custody since 03.04.2024.

2. As per prosecution story, it is alleged that the applicant Chotu used knife and caused injury and the allegation against the applicant Ravi is only to help his brother Chotu.

3. At the outset, learned counsel for the applicants prays for withdrawal of this application filed on behalf of applicant No.1 Chotu with liberty to renew the prayer after completion three months from today.

4. Prayer is allowed.

5. Accordingly, M.Cr.C. No.16915/2024 is dismissed as withdrawn with regard to applicant No. 1 Chotu with the aforesaid liberty.

6. Learned counsel for the applicant submits that earlier the applicants were granted bail by the trial Court but later on, the offence under Section 302 was added, they have been taken into custody, hence, this bail application filed before this Court. The only allegation against the applicant Ravi is for helping his brother Chotu, who is main accused. He further submits that he applicant has never misused the liberty of bail so granted by the trial Court. The applicant is in custody since 03.04.2024. The applicant is innocent and has been falsely implicated in this case. Final conclusion of trial will take sufficient long time. Under these circumstances, counsel prays for grant of bail to the applicant.

7. On the other hand, learned counsel for the State opposed the prayer.

8. After hearing learned counsel for the parties and looking to the facts and circumstances of the case as well as custody period of the applicant, I am of the view that it is a case in which applicant may be released on bail. Consequently without commenting on the merits of the case, first bail application under Section 439 of the Code of Criminal Procedure for grant of bail filed on behalf of applicant, stands allowed.

9 . It is directed that the applicant/accused be released on bail on his furnishing a personal bond in the sum of Rs.50,000/- (Fifty Thousand only) with one solvent surety in the like amount to the satisfaction of the trial Court for securing his presence before the said Court on all the dates of hearing fixed in this regard during trial. It is also directed that the applicant shall comply with the provisions of Section 437(3) of the Cr.P.C.

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

Certified copy as per rules.