

(2020) 12 MP CK 0020

In the Madhya Pradesh High Court

Case No : Miscellaneous Criminal Case No. 42393 Of 2020

Damodar And Others

APPELLANT

Vs

State Of Madhya Pradesh

RESPONDENT

Date of Decision : 04-12-2020

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 438, 438(2)

Indian Penal Code, 1860 — Section 34, 294, 324, 325, 326, 506

Citation : (2020) 12 MP CK 0020

Hon'ble Judges : Anjuli Palo, J

Bench : Single Bench

Advocate : Manoj Kushwaha, Nalini Gurang

Final Decision : Allowed

Judgement

Anjuli Palo, J

This is the second application under Section 438 of Cr.P.C. for grant of anticipatory bail. His first application was dismissed vide order dated

12.10.2020 passed in M.Cr.C. No.38502/2020 as withdrawn. The applicant apprehends his arrest in connection with Crime No.280/2020 registered at

Police Station - Adegaon, district- Seoni for offences punishable under Sections 294, 324, 325, 326 and 506 read with Section 34 of the Indian Penal

Code.

At the outset, learned counsel for the applicant prays for withdrawal of this application only with regard to the applicant No.1- Damodar. Accordingly,

this M.Cr.C. is dismissed as withdrawn so far as applicant No.1- Damodar is concerned.

Learned counsel for the applicants submits that the applicants are innocent and they have been falsely implicated. As per the prosecution case,

complainant Chain Singh received fracture which was caused due to injury of inflicted by Chain Singh. Hence, other applicants are entitled to be released on bail.

Learned Panel Lawyer has opposed the application for grant of anticipatory bail.

Considering the facts and circumstances of the case, the injuries sustained by the complainant and role attributed to the applicants 2 to 4, without

commenting on the merits of the case, this application is allowed in part. It is directed that in the event of arrest the Applicant No.2- Vijendra @

Pappu; Applicant No.3- Raja and Applicant No.3- Madhav shall be enlarged on bail on their furnishing personal bonds each in the sum of Rs.50,000/-

(Rupees Fifty Thousand Only) with one solvent surety each in the like amount to the satisfaction of the Arresting Officer (Investigating Officer) for

their regular appearance before the Police during the investigation or before the Court during trial, as the case may be. It is directed that the applicants

2 to 4 shall abide by the conditions enumerated under Section 438(2) of Cr.P.C. It is made clear that the applicants 2 to 4 shall appear before the

Investigating Officer as and when they are so directed and cooperate in the investigation and they shall also appear before the trial Court regularly as

and when directed.

Hence, the M.Cr.C. is allowed in respect of the applicants 2, 3 and 4. It is dismissed as withdrawn so far as it pertains to the applicant NO.1-

Damodar.

Accordingly, the M.Cr.C. is allowed in part.