
(2021) 07 MP CK 0169

In the Madhya Pradesh High Court

Case No : Miscellaneous Criminal Case No.34937, 36667 Of 2021

Deepak Meena S/O Jainarayan Meena And Others

APPELLANT

Vs

State Of M.P

RESPONDENT

Date of Decision : 26-07-2021

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 437(3), 438

Indian Penal Code, 1860 — Section 147, 148, 149, 294, 307, 323, 427, 452, 506

Citation : (2021) 07 MP CK 0169

Hon'ble Judges : Vivek Rusia, J

Bench : Single Bench

Advocate : Saaransh Jain, S.K.Karanjawala

Final Decision : Allowed

Judgement

Vivek Rusia, J

MCRC No.36667/21:

This is an application filed u/s 439 Cr.P.C seeking bail in connection with Crime No.60/2021 registered at police station Kalapipal, Shajapur for the

offence u/s 307, 323, 427, 452, 294, 506, 147, 148 & 149 IPC.

MCRC No.34937/21:

This is an application filed u/s 438 Cr.p.C seeking anticipatory bail as the applicant apprehends his arrest in connection with Crime No.60/21 registered

at police station Kalapipal, Shajapur for the offence u/s 307, 452, 323, 506, 147 & 148 IPC.

As per prosecution story on 25.2.2021 a Dehati Nalishi was got registered by Nandkishore Parmar that today at 8.30 hrs. in the morning he was in his

house along with his father Bapulal, mother Kshiprabai, brother Rajesh, sister-in-

law Ushabai & wife Seemabai. Jainarayan with a gun in his hand,

Rajendra @ Chintu with Farsi, Manohar with farsi, Sanjay, Deepak & Rahul with stick, Sumit with sword, Manju with county made pistol came there

with common intention to kill them. Jainarayan fired a gun shot and instructed others to assault them. Manohar ran away to save himself then

applicant Deepak said to have caused injury by means of stick and Sanjaym by means of sword. Three persons viz. Babulal, Nandkishore and Rajesh suffered injuries.

Learned counsel for the applicants submit that because of the previous enmity FIR No.431 was registered on 6.12.2020 at the instance of Jainarayan

Meena. The entire family members have been implicated in this case. So far Sumit is concerned he is working in Indian Army and on the date of the

incident he was not on the spot. The Major of the Training Battalion the GRENADIERS Regimental Centre has already certified that on the date of

incident he was not on leave. The aforesaid fact has been verified by the IO that the applicant Sumt was not on the spot. So far as present applicant

Deepak is concerned he is said to have caused injury by means of stick. In such premises learned counsel is praying for bail.

Shri Sanjay Karanjawala, learned GA opposes the bail applications Jainarayan, Sanjay & Manju have been granted bail by the trial Court. So far as

Sumit is concerned the fact has been prima facie established that he was not present on the spot and falsely implicated. It appears that because of the

previous enmity the entire family member of Jainarayan Meena has been implicated in this case. The applicant Deepak has not caused any grievous hurt.

MCRC No.36667/21:

Considering the facts and circumstances of the case and the arguments advanced by learned counsel for the applicant, without commenting on the

merits of the case, the application is allowed. The applicant is directed to be released on bail on his furnishing a personal bond in the sum of

Rs.40,000/- (Rupees Forty Thousand) with one solvent surety of the like amount to the satisfaction of the 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) Cr.P.C.

Before releasing the applicant from the custody the jail authorities are directed to medically examine him in order to rule out the possibility of COVID-

19 infections and shall comply with the direction given by the Hon'ble Apex Court in Writ Petition No. 1/2020.

MCRC No.34937/21:

Â Considering the facts and circumstances of the case and the arguments advanced by the learned counsel for the parties, without commenting on the

merit of the case, the application is allowed. It is directed that in the event of arrest of the applicant in connection with the aforesaid crime number, he

shall be released on bail upon his furnishing personal bond in the sum of Rs.40,000/-- (Rupees Forty Thousand) with one surety in the like amount to

the satisfaction of the arresting officer. This order shall be governed by the following conditions:

(a) the applicant shall co-operate with the investigation and make himself available for interrogation by a police officer as and when required;

(b) he shall not directly or indirectly make any 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 any police officer;

(c) If the applicant is found involved in any criminal case of the same nature during this bail period, this order granting the benefit of anticipatory bail

shall be liable to be cancelled; and

(d) he shall not leave the territory of India without the prior permission of the Court.

C.c as per rules.