

(2022) 07 MP CK 0103

In the Madhya Pradesh High Court

Case No : Miscellaneous Criminal Case No.36472 Of 2022

Deependra Singh @ Dippu Raja And Others

APPELLANT

Vs

State Of Madhya Pradesh

RESPONDENT

Date of Decision : 29-07-2022

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 439

Indian Penal Code, 1860 — Section 147, 148, 149, 294, 302, 325, 326

Arms Act, 1959 — Section 25, 27

Citation : (2022) 07 MP CK 0103

Hon'ble Judges : Sushrut Arvind Dharmadhikari, J

Bench : Single Bench

Advocate : Deepak Pandhekar, Ritwik Parashar

Final Decision : Allowed

Judgement

Sushrut Arvind Dharmadhikari, J

The applicant has filed this third application under section 439 of the Cr.P.C. for grant of bail. His first application was dismissed as withdrawn vide order dated 03.12.2021 passed in M.Cr.C.No. 45726/2021 and second application was dismissed on merits vide order dated 08.04.2022 passed in M.Cr.C. No. 15490/2022.

Applicants have been arrested on 27.05.2021 by Police Station Satai, District Chhatarpur (M.P.) in connection with Crime No.151/2021, registered in relation to the offence punishable under Sections 147, 148, 149, 302, 294, 325 and 326 of the IPC and under Section 25/27 of the Arms Act.

The prosecution story, in short, is that on 25.05.2021 about 8:30 AM when complainant-Akhilesh Yadav was curing water in the newly constructed house and his uncle Ramlal was standing near the pond watching the house. At that point of time, the present applicants along with other co-accused persons assaulted the Ramlal Yadav and co-accused Ajay Raja and Jodhan Singh

assaulted by Gun resultantly Ramlal Yadav got died. On the basis of aforesaid, crime has been registered.

Learned counsel for the applicants submits that the applicants have been falsely implicated in the case. they are in custody since 27.05.2021. Charge-sheet has been filed, therefore, no further custodial interrogation is required. There is no evidence available on record to show that the applicants have committed murder of deceased Ramlal Yadav. The Post Mortem report does not disclose that any injury was caused by hard and blunt object. The deceased died due to Gun shot injury. Omnibus allegations have been leveled against the present applicants. No specific overt act is attributed to the applicants. The prosecution witnesses have been examined and they have not stated anything about the present applicants except that they were present on the spot holding lathi. Applicants are permanent resident of District Chhatarpur (M.P.) and there is no likelihood of their absconson or tampering with the prosecution evidence and they are ready to abide by the terms and conditions as may be imposed. With the aforesaid submissions, prayer for grant of bail is made out.

Learned Government Advocate for the State opposed the application and prayed for its rejection by contending that on the basis of the allegations and the material available on record, no case for grant of bail is made out.

After hearing aforesaid arguments and looking to the facts and circumstances of the case, without expressing any opinion on merits of the case, this application is allowed and it is directed that the applicants be released on bail on furnishing a personal bond in the sum of Rs.1,00,000/- (Rs. One Lakh only) with two solvent sureties of the like amount to the satisfaction of the concerned trial Court/committal Court.

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

1. The applicants will comply with all the terms and conditions of the bond executed by them;
2. The applicants will co-operate in the investigation/trial, as the case may be;
3. The applicants will not indulge themselves in extending inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to the Police Office, as the case may be;
4. The applicants will not seek unnecessary adjournments during the trial; and
5. The applicants will not leave India without previous permission of the trial Court/Investigating Officer, as the case may be.
- 6 . If the applicants commits any offence after being released on bail, then this order shall automatically stand cancelled without reference to the Court.

A copy of this order be sent to the Court concerned for compliance.

C.C. as per rules.