
(2014) 07 MP CK 0100
In the Madhya Pradesh High Court
Case No : M.Cr.C. No. 4961/2014

Hukum Singh

APPELLANT

Vs

State of Madhya Pradesh

RESPONDENT

Date of Decision : 10-07-2014

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 437(3), 439
Penal Code, 1860 (IPC) — Section 147, 148, 149, 294, 323
Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 —
Section 3(1)(v), 3(1)(x)

Citation : (2014) 07 MP CK 0100

Hon'ble Judges : B.D. Rathi, J

Bench : Single Bench

Advocate : Shailendra Dwivedi, Advocate for the Appellant; R.K. Awasthy, Public Prosecutor, Advocate for the Respondent

Judgement

B.D. Rathi, J.—Heard on the bail application.

2. Case-diary has been perused.

3. This is the first bail application filed by the applicants u/s 439 of the Cr.P.C. for grant of bail.

4. Applicants have been arrested on 17-05-2014 in connection with Crime No. 141/2014 registered at Police Station Chanderi District Ashoknagar for the offence punishable under Sections 147, 148, 323, 324, 326, 325, 427, 294 and 506-B of IPC.

5. As per prosecution case, incident occurred on 30-03-2014 at about 9:40 am and named FIR was lodged in noon at 1:30 pm by Maharaj Singh against the applicants and other co-accused persons. The allegations were made that when complainant, Bhagwati, Phoolwati, Gajraj Singh and Sangeeta all were reached at their land to reap the crops, at the same time applicants along with other co-accused persons reached at the spot armed with sharp edged weapon; axe,

Lathi, Danda, they have restrained the complainant party to reap the crops, abused them and caused Marpeet due to which complainant party has received injuries.

6. Learned counsel for the applicants submitted that for the same offence FIR was lodged by the applicants party also and on that basis crime No. 140/2014 was also registered against the complainant party for the offence punishable under Sections 147, 148, 149, 323, 294, 324, 506-B, 427, 325, 326 of IPC and under Sections 3(1)(v) and 3(1)(x) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. It has also been submitted that in crime No. 140/2014 all the accused persons have already been enlarged on bail vide order dated 17-06-2014 passed in M.Cr.C. No. 4534/2014 by the coordinate Bench of this Court (Justice Sheel Nagu), therefore, in the present case also applicants deserve to be enlarged on bail.

7. Prayer for bail was made on the ground that investigation has been completed and charge-sheet has been filed. Final disposal of trial shall take time, hence prayed for grant of bail.

8. Prayer for bail was opposed by learned Public Prosecutor on the ground that sufficient evidence is available against the applicants, hence he does not deserve for any bail.

9. Looking to the facts and circumstances of the case and that final disposal of the trial shall take time, but without commenting on the merits of the case, the present application is allowed and it is directed that the applicants be released on bail on their furnishing personal bond in the sum of Rs. 50,000/- (Rs. Fifty thousand only) each with one solvent surety each of the like amount to the satisfaction of the Trial Court for their regular appearance before the trial Court on the condition that they shall remain present before the Court concerned during the trial and shall also comply with the conditions enumerated u/s 437(3) of Cr. P.C. and so also as imposed by the trial Court.

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

11. Certified copy as per rules.