

(2021) 01 MP CK 0002

In the Madhya Pradesh High Court

Case No : Miscellaneous Criminal Case No.44591, 53760 Of 2020

Kallu Ahirwar And Others

APPELLANT

Vs

State Of M.P

RESPONDENT

Date of Decision : 04-01-2021

Acts Referred:

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

Indian Penal Code, 1860 — Section 34, 294, 307, 323, 324, 325, 506

Citation : (2021) 01 MP CK 0002

Hon'ble Judges : J. P. Gupta, J

Bench : Single Bench

Advocate : Baboo Ji Chourasiya, M. K. Sulakhe, Sunil Gupta

Final Decision : Allowed

Judgement

J. P. Gupta, J

As the aforesaid both bail applications are arising out of the same crime number, therefore, they are being disposed of by this common order.

These are the first bail applications filed by the applicants-accused under Section 439 of the Cr.P.C. for grant of bail who are in custody since

12.10.2020 and 11.10.2020, respectively, in connection with Crime No.565/2020 registered at Police Station Bina, District Sagar for the offenses under

Sections 294, 323, 324, 325, 307, 506 r/w Sec. 34 of the IPC.

The allegations against the applicants are that they assaulted with lathi and axe to the victim party and caused grievous injury.

It is submitted that the applicants are innocent. They are in custody since 12.10.2020 and 11.10.2020, respectively. Charge sheet has been filed and

trial will take time. The applicants have no criminal antecedents. There is no likelihood of their absconding or tampering with the witnesses and the

victim Savitri who was assaulted with axe has not sustained any grievous injury. Therefore, looking to all facts and circumstances of the case, prima-

facie no offence under Section 307 of IPC is made out. In the circumstances, the applicants are entitled to get the benefit of bail.

Learned PL has opposed the bail application.

Having considered all the facts and circumstances of the case, this application is allowed and it is ordered that the applicants-accused Kallu

Ahirwar, Ram Singh, Bhagwandas and Hannu be released on bail on their furnishing a personal bond for a sum of Rs.40,000/- each with a solvent

surety each in the like amount to the satisfaction of the trial court for securing their presence before the said Court on all the dates of hearing fixed in

this regard during trial and for complying with the conditions enumerated in subsection (3) of Section 437 of Cr.P.C.

Certified copy as per rules.