
(2023) 09 MP CK 0124

In the Madhya Pradesh High Court

Case No : Miscellaneous Criminal Case No. 43198 Of 2023

Kuldeep Singh

APPELLANT

Vs

State Of Madhya Pradesh

RESPONDENT

Date of Decision : 26-09-2023

Acts Referred:

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

Indian Penal Code, 1860 — Section 34, 294, 323, 324, 458, 506

Citation : (2023) 09 MP CK 0124

Hon'ble Judges : Satyendra Kumar Singh, J

Bench : Single Bench

Advocate : Abhishek Parashar, Rajeev Upadhyay

Final Decision : Dismissed

Judgement

1. Case diary is available.
2. This is first application filed under Section 439 of Cr.P.C for grant of bail to the applicants as they have been arrested on 06/09/2023 in connection with Crime No.102/2023 registered at Police Station Phoooph, District Bhind (M.P.) for commission of offence punishable under Sections 458, 323, 324, 294, 506, 34 of IPC.
3. Learned counsel for the applicants seeks permission of this Court to withdraw this application filed on behalf of applicant No.1 Kuldeep Singh.
4. Accordingly, the application filed on behalf of applicant No.1-Kuldeep Singh is dismissed as withdrawn.
5. Prosecution case, in brief, is that on 03.08.2023 at about 20 hours, a quarrel took place between accused Kuldeep and complainant Naresh Singh on which accused Kuldeep alongwith other co-accused persons started abusing him and entered in his house and accused Bhure assaulted on his head by wooden stick and all the accused persons took the complainant out of his house. When Roop

Singh and Amit came to intervene, then accused Raju caught-hold Roop Singh and applicant- Shivendra Singh assaulted on his left hand elbow with wooden stick. Accused Ganga Singh caught-hold Amit and accused Sudeep assaulted on his head by wooden stick. On listening hue and cry, complainant's daughter Nidhi, Rajni and wife Mamta came to intervene, accused Kuldeep assaulted on the head of Nidhi and Rajni by axe and accused Raju assaulted on the head of Mamta by wooden stick.

6. Learned counsel for the applicant submits that as per prosecution case itself, applicant Shivendra Singh assaulted Roop Singh with wooden stick due to which he sustained minor injuries. No overt act has been attributed to him. The applicant is in custody since 06.09.2023. Trial will take time to conclude. Hence, prayer is made to enlarge the applicant on bail.

7. Learned counsel for the respondent/State vehemently opposed the prayer and prayed for its rejection.

8. Heard the learned counsel for both the parties.

9. Having considered the rival submissions, material pointed out by the learned counsel for the applicant and nature of injuries sustained by injured Roop Singh and overall facts and circumstances of the case, without expressing any opinion on the merits of the case, the application filed on behalf of applicant No.2- Shivendra Singh is allowed.

10. It is directed that applicant No.2- Shivendra Singh be released on bail upon furnishing personal bond in the sum of Rs.50,000/- (Rupees Fifty Thousand only) with a solvent surety in the like amount to the satisfaction of the concerned Court for his appearance before the Trial Court on all such dates as may be fixed in this behalf by the Trial Court during the pendency of trial. It is further directed that applicant shall comply with the provisions of Section 437 (3) of Cr. P. C.

11. This application is partly allowed and stands disposed of.

Certified copy as per rules.