

(2023) 08 MP CK 0106

In the Madhya Pradesh High Court

Case No : Miscellaneous Criminal Case No. 36529, 36979 Of 2023

Manju @ Manja And Others

APPELLANT

Vs

State Of Madhya Pradesh

RESPONDENT

Date of Decision : 18-08-2023

Acts Referred:

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

Indian Penal Code, 1860 — Section 34, 147, 148, 149, 294, 307, 323, 324, 326, 427, 506

Arms Act, 1959 — Section 25

Citation : (2023) 08 MP CK 0106

Hon'ble Judges : Prem Narayan Singh, J

Bench : Single Bench

Advocate : Nilesh Dave, Nilesh Dave, Akhilesh Kumar Saxena

Final Decision : Allowed

Judgement

Prem Narayan Singh, J

1. Heard and perused the record.
2. This order shall govern the disposal of these bail applications as they are arisen out of same Crime of the same police stations, hence, they are heard analogously and are being decided by this common order.
3. Both first bail applications have been filed on behalf of the applicants under Section 439 of the Code of Criminal Procedure for grant of bail. The applicants are arrested relating to Crime No.112/2023, registered at Police Station-Sadar Bazar, District-Indore for the offence under Sections 147, 148, 149, 294, 323, 324, 326, 307, 506, 427 & 34 of IPC and Section 25 of Arms Act. The applicant/ Manju @ Manja and applicant/Ravi are in custody since 28.05.2023 and 29.05.2023 respectively.
4. As per prosecution story, it is alleged that the applicant/Manju @ Manja caught hold the injured Kamal and applicant/Ravi assaulted the injured Manish

with Farsi and caused simple injury.

5. Learned counsel for the applicants submits that the main allegation is against the Shekhar and Hukum who have caused injury on the head of injured Kamal. The present applicants are innocent and have been falsely implicated in this case. The applicant/Manju @ Manja and applicant/Ravi are in custody since 28.05.2023 and 29.05.2023 respectively. Investigation is over, charge- sheet has been filed and conclusion of trial will take sufficient long time. Under these circumstances, counsel prays for grant of bail to the applicants.

6. On the other hand, learned Govt. Advocate opposed the prayer and prayed for its rejection.

7. After hearing learned counsel for the parties and looking to the facts and circumstances of the case and also looking to the custody period, I am of the view that it is a case, in which applicants may be released on bail. Consequently without commenting on the merits of the case, bail applications under Section 439 of the Code of Criminal Procedure for grant of bail filed on behalf of applicants, stands allowed.

8. It is directed that the applicants/accused be released on bail on their furnishing a personal bond in the sum of Rs.50,000/- (Fifty Thousand only) each with one 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. It is also directed that the applicants shall comply with the provisions of Section 437(3) of the Cr.P.C.

9. This order shall be effective till the end of the trial. However, in case of bail jump and breach of any of the conditions of bail, it shall become ineffective.

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