
(2020) 10 MP CK 0193

In the Madhya Pradesh High Court

Case No : Miscellaneous Criminal Case No. 37793 Of 2020

Milan Barman And Others

APPELLANT

Vs

State Of Madhya Pradesh

RESPONDENT

Date of Decision : 19-10-2020

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 438, 439
Indian Penal Code, 1860 — Section 34, 304, 324, 452

Citation : (2020) 10 MP CK 0193

Hon'ble Judges : Vishnu Pratap Singh Chauhan, J

Bench : Single Bench

Advocate : Rohan Singh, Manoj Kumar Singh

Final Decision : Dismissed

Judgement

Vishnu Pratap Singh Chauhan, J

Heard on this first application for bail under Section 439 of Cr.P.C. filed on behalf of the applicants. The applicants are in jail in connection with Crime No.363/2020 registered at Police Station Gwarigaht, District Jabalpur for commission of offence punishable under Sections 452, 324 and 307/34 of the IPC.

The case of the prosecution against the applicants, in short, is that both the applicants along with other co-accused are annoyed with the victim/injured Shankar, because daughter of applicant No.1 solemnized marriage with Shankar without consent of both the applicants. Applicants are having rivalry with Shankar on that account. On the date of incidence, applicants along with other co-accused armed with sharp and deadly weapons entered in the house of Shankar and started beating him. They want to eliminate Shankar. Wife of Shankar, Nidhi who is daughter of the applicant No.1, came to save Shankar. Both the applicants along with other co-accused also beat Nidhi. Shankar received grievous injuries, tip of one finger was amputated on the spot and also received the injuries on head and neck. He was hospitalized and FIR was lodged

at the instance of Shankar.

Learned counsel for the applicants submits that applicants have falsely been implicated because they objected the marriage of victim with Nidhi. The applicants are having old aged mother, who is blind and nobody is available there for taking care of her; therefore, it has been prayed that the applicants may be enlarged on bail.

Learned Panel Lawyer for the respondent/State, on the other hand, opposes the application for bail and submits that earlier both the applicants filed an application under Section 438 of Cr.P.C., which was dismissed by this Court. Victim received fatal injuries and strong case is made out against the applicants. Name of both the applicants found placed in the FIR; therefore, prayed for dismissal of this application.

Heard learned counsel for the parties and perused the documents. The matter is still under investigation and name of both the applicants is also mentioned in the FIR by the victim. Both the applicants entered in the house of Shankar intentionally with sharp aged deadly weapons and beat him.

Keeping in view the facts and circumstances of the case, particularly, looking to the gravity of offence and act of the applicants, this Court is not inclined to enlarge the applicants on bail.

Consequently, this application for bail under Section 439 of the Code of Criminal Procedure filed on behalf of applicants-Milan Barman and Kamlesh Barman deserves to be and is accordingly dismissed.