
(2020) 10 MP CK 0080

In the Madhya Pradesh High Court

Case No : Miscellaneous Criminal Case No. 36977, 37992 Of 2020

Mubarik@Lala And Others

APPELLANT

Vs

State Of M.P

RESPONDENT

Date of Decision : 05-10-2020

Acts Referred:

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

Indian Penal Code, 1860 — Section 34, 109, 294 323, 324, 506

Arms Act, 1959 — Section 25

Citation : (2020) 10 MP CK 0080

Hon'ble Judges : S.K. Awasthi, J

Bench : Single Bench

Advocate : R.R. Bhatnagar, Nilesh Dave, Sudhansh Ukas

Final Decision : Allowed

Judgement

S.K. Awasthi, J

This is a first bail application filed under Section 439, Cr.P.C for grant of bail in connection with Crime No.189/2020, registered at Police Station Y.D. Nagar, District Mandsaur, concerning offence under Sections 302, 341, 294 323, 324, 506, 109 and 34 of IPC read with Section 25 of Arms Act, 1959.

As per prosecution story, on 14.05.2020 complainant had lodged FIR that in the evening at 6 p.m. he went to mosque then Raja, Firoz, Guddu, Gulam, Bablu met him and told him to break the engagement of his daughter otherwise they will abduct her. Further allegation is that they assaulted him due to which he sustained injuries. On the basis of which FIR was registered for the aforesaid offence.

Learned counsel for the applicants has submitted that applicants are innocent and they have no nexus with the present crime. The applicants are not named in the Dehati Nalishi/ FIR lodged by Niyaj Mohd on 14.05.2020. However, after lapse of two days of lodging the FIR there is improvement in the statement of

Niyaj and other prosecution witnesses wherein they stated that applicants also participated in the incident and they caused injuries by fists and kicks. However, no such injury was found the person of deceased Javed as well as injured Niyaz, which clearly indicates that the applicants have been falsely implicated in the crime. There is specific allegation that co-accused Raja caused injury to Javed by means of axe and there is no allegation against the applicants for causing injury to deceased Javed. The applicants are in custody since 21.05.2020 & 12.07.2020. The investigation is over and the charge-sheet has been filed. Under these circumstances, learned counsel for the applicants prays for grant of bail applications.

Learned Public Prosecutor opposes the prayer and submits that there is no sufficient ground made out for releasing the applicants on bail, hence the applications filed by the applicants be dismissed.

Considering the facts and circumstances of the case and the arguments advanced by learned counsel for the applicants, but without commenting on the merits of the case, the applications filed by the applicants- Mubarik and Imran are allowed. The applicants are directed to be released on bail on their furnishing a personal bond in the sum of Rs.50,000/-(Rupees Fifty Thousand only) each with one solvent surety each of the like amount to the satisfaction of trial Court, for their regular appearance before the trial Court during trial with a condition that they shall remain present before the Court concerned during trial and shall also abide by the conditions enumerated under Section 437 (3) of Cr.P.C.

This order shall be effective till the end of the trial, however, in case of bail jump, it shall become ineffective.

Certified copy, as per rules.