
(2020) 12 MP CK 0081

In the Madhya Pradesh High Court

Case No : Miscellaneous Criminal Case No.49627 Of 2020

Munna Maas @ Gulshan

APPELLANT

Vs

State Of M.P

RESPONDENT

Date of Decision : 10-12-2020

Acts Referred:

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

Indian Penal Code, 1860 — Section 34, 294, 323, 324, 327, 341, 506

Citation : (2020) 12 MP CK 0081

Hon'ble Judges : Vivek Rusia, J

Bench : Single Bench

Advocate : Ravi Sagare, R.K.Shastri

Final Decision : Allowed

Judgement

Vivek Rusia, J

This is first application filed under section 439 Cr.P.C seeking bail in connection with Crime No.185/2020 registered at police station Mahidpur Road,

district Ujjain for the offences punishable under sections 341, 323, 324, 294, 327 & 506/34 of the IPC.

As per prosecution story on 26.08.2020 when complainants Abdul Wahab and Abdul Khalid were excavating sand from the mine the applicant along

with Saddam, Chand, Shah, Gabbar & Fakir Mohalla came there and demanded money from Abdul Wahab (hafta vasuli). When he refused accused

Saddam and Gabbar caused stab injuries to him.

Learned counsel for the applicant submits that the allegation against the present applicant is that he alleged to have given a blow by pipe to Abdul

Khalid, however, there is no corresponding injury on his body. The investigation is complete and Challan has been filed. The applicant who is a youth

aged 23 years with no criminal antecedents has been falsely implicated in the offence. The trial may take time to conclude, hence prays for release of the applicant on bail.

Learned Panel Advocate opposes the bail application. Considering the facts and circumstances of the case and the role of the applicant in the alleged

incident, without commenting on the merit of the case, the application is allowed with the condition of future good conduct. The applicant is directed to

be released on bail on his furnishing a personal bond in the sum of Rs.50,000/- (Rupees Fifty Thousand only) with one solvent surety of the like

amount to the satisfaction of the trial Court for his regular appearance before the trial Court during trial with a condition that he shall remain present

before the Court concerned during trial and shall also abide by the conditions enumerated under section 437(3) Cr.P.C. It is made clear that during the

pendency of this bail if the applicant is found involved in any criminal case, this order granting the benefit of bail shall liable to be cancelled.

Before releasing the applicant from the custody the jail authorities are directed to medically examine him in order to rule out the possibility of COVID-

19 infections and shall comply with the direction given by the Hon'ble Apex Court in Writ Petition No. 1/2020.

C.c as per rules.