

(2024) 06 MP CK 0023

In the Madhya Pradesh High Court

Case No : Miscellaneous Criminal Case No. 20609, 24336 Of 2024

Nankiya @ Santosh And Others

APPELLANT

Vs

State Of Madhya Pradesh

RESPONDENT

Date of Decision : 06-06-2024

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 437(3), 439
Indian Penal Code, 1860 — Section 34, 294, 302, 323, 506

Citation : (2024) 06 MP CK 0023

Hon'ble Judges : Subodh Abhyankar, J

Bench : Single Bench

Advocate : Pankaj Kumar Sohani, Amit Raval

Final Decision : Allowed

Judgement

Subodh Abhyankar, J

1] They are heard. Perused the charge-sheet.

2] This order shall govern the disposal of both the miscellaneous criminal cases, as both the cases have arisen out of the same Crime No.136 of 2024 registered at Police Station Bhag, District Dhar.

3] These are the first bail applications filed by the applicants under Section 439 of Criminal Procedure Code, 1973, as they are implicated in connection with Crime No.136/2024 registered at Police Station Bagh, District Dhar (MP) for offence punishable under Sections 307, 323, 506, 294/34 of IPC. The applicants are in custody since 02.04.2024.

4] It is alleged that the applicants were also involved in the aforesaid case, wherein the FIR has been lodged against four persons Ajay, Sohan, Madu and Nankiya.

5] Counsel for the applicants has submitted that the main allegation of causing head injury to the complainant Raju Bai is against co-accused Ajay, who had

assaulted the complainant with stone, which was lying nearby, as a result of which, she had suffered fracture in her frontal bone. Counsel has also submitted that so far as the present applicants, who are the other accused in the case are concerned, no overt acts are attributed to them and the injuries inflicted by them were minor in nature and in such

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circumstances, when the FIR itself was lodged under Sections 294, 323, 506 and 34 of IPC, the applications may be allowed as the applicants are lodged in jail since 02.04.2024.

6] Counsel for the State has opposed the prayer.

7] Having considered rival submissions, perusal of the charge-sheet, which is available with the counsel for the applicants, this Court finds that main allegations are against co-accused Ajay, although the present applicants were also involved in the case, but looking to the allegations levelled against them, they are entitled to be released on bail.

8] Accordingly, without commenting anything on merits of the matter, both the applications for grant of bail are allowed. The applicants are directed to be released on bail upon their furnishing a personal bond in the sum of Rs.50,000/- (Rupees fifty Thousand) each with separate solvent surety in the like amount to the satisfaction of the Trial Court for their appearance, as and when directed and shall also abide by the conditions enumerated under Section 437 (3) Criminal Procedure Code, 1973.

C.c. as per rules.