

(2022) 05 MP CK 0088

In the Madhya Pradesh High Court

Case No : Miscellaneous Criminal Case No. 25508 Of 2022

Neelu Vishwakarma

APPELLANT

Vs

State Of Madhya Pradesh

RESPONDENT

Date of Decision : 30-05-2022

Acts Referred:

Indian Penal Code, 1860 — Section 147, 148, 294, 307, 506
Code Of Criminal Procedure, 1973 — Section 437(3), 439

Citation : (2022) 05 MP CK 0088

Hon'ble Judges : Dinesh Kumar Paliwal, J

Bench : Single Bench

Advocate : Rohan Singh, C.M.Tiwari, Madhur Shukla

Final Decision : Allowed

Judgement

Dinesh Kumar Paliwal, J

Applicant Smt. Neelu Vishwakarma has been arrested in connection with Crime No.174/2022 of P.S. Madan Mahal District-Jabalpur for commission of offence under Sections 147, 148, 307, 506, 294 of I.P.C. and she is in jail since 25.04.2022.

As per the prosecution story, one Neeraj Jain @ Lalu informed police Madan Mahal that he runs a Grocery shop in front of Jain temple. On 24.04.2022 at around 04:30 p.m. when he was at his home, Sachin Danpati and Brajendra Jain while making a call informed him that Prakash Vishwakarma, Pawan Vishwakarma, Dhanraj Kori and Rakesh Kori are hitting the door of Jain Dharmshala by kicks. At this, when he reached near the door of Jain temple and asked Prakash Vishwakarma, Ashok Vishwakarma, Pawan Vishwakarma, Mayank Vishwakarma, Dhanraj Kori, Rakesh Kori, Anita Vishwakarma, Vandana Vishwakarma, Rakhi Vishwakarma, Poonam Vishwakarma, Kavita Kori, Vandana Kori, Pooja Kori not to hit by kicks on the gate, they all assaulted and beat him by means of stone and sticks. He sustained injury on his left leg and head. In

medical examination, one injury was found on the scalp of Neeraj Jain. No injury was noticed on the person of Vinod Rai. One skin abrasion was found on the person of Kunal. There is nothing on record on the basis of which it can be assumed that injury sustained by Neeraj Jain was dangerous to life.

As per contention of learned counsel for the applicant, there is a property dispute between the parties. However, it cannot be overlooked that applicant Neelu Vishwakarma who is resident of village Marra Tehsil Gotegaon, District-Narsinghpur (M.P.) was not named in the FIR.

Learned counsel for the respondent/State as well as learned counsel for the objector have opposed the bail application and has prayed for dismissal of bail application.

In view of the above, having considered all the facts and circumstances of the case, without expressing any opinion on the merits of the case, I am of the view that further pre-trial detention of applicant Neelu Vishwakarma is not required.

Consequently, this first application under Section 439 of the Code of Criminal Procedure for grant of bail filed on behalf of applicant-Neelu Vishwakarma, stands allowed.

It is directed that applicant shall be released on bail on her furnishing a personal bond in the sum of Rs.50,000/- (Rupees Fifty thousand only) with one solvent surety in the like amount to the satisfaction of the trial Court, for her regular appearance before the trial Court during trial with a condition that she shall remain present before the concerned Court during trial and she 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 and breach of any of the conditions of bail, it shall become ineffective.

Certified copy as per rules.