

(2023) 06 MP CK 0079

In the Madhya Pradesh High Court

Case No : Miscellaneous Criminal Case No. 26279 Of 2023

Pancham Singh And Others

APPELLANT

Vs

State Of Madhya Pradesh

RESPONDENT

Date of Decision : 22-06-2023

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 438, 438(2)

Indian Penal Code, 1860 — Section 147, 148, 149, 294, 308, 323, 324, 506

Citation : (2023) 06 MP CK 0079

Hon'ble Judges : Satyendra Kumar Singh, J

Bench : Single Bench

Advocate : B.S.Gour, Rohit Mishra, Yash Sharma

Final Decision : Allowed/Disposed Of

Judgement

Satyendra Kumar Singh, J

This is first application filed under Section 438 of Cr.P.C. for grant of anticipatory bail to the applicants, as they are apprehending their arrest in connection with Crime No.170/2023 registered at Police Station- Bairad, District Shivpuri (M.P.) for offences punishable under Sections 147, 148, 149, 323, 324, 294, 506, 308 of IPC.

At the outset, learned counsel for the applicants seeks permission of this Court to withdraw the bail application in respect of applicant No.3 - Sovran Yadav.

Prayer is allowed.

Accordingly, the bail application in respect of applicant No.3 - Sovran Yadav is dismissed as withdrawn.

Prosecution case, in brief is that on 24.05.2023 at about 02:30 hours, applicants along-with other co-accused persons armed with lathi, farsa and katta came and started abusing complainant and when complainant objected, Brajmohan, Ramehswar, Pancham Mahendra, Devendra, Madho, Dharamveer, Lavkush

assaulted him with lathi causing injuries to him and when Virendra and Shivraj came to intervene, they also assaulted them with lathi and Sovran assaulted Veerendra with farsa causing injuries and one boy made fire in the air with katta.

Learned counsel for the applicants No.1, 2 and 4 submits that applicants No.1,2 & 4 are innocent and they have been falsely implicated in the matter. The injuries caused by farsa to the injured Virendra has been attributed to Sovran Yadav. The rest of the injuries found on the body of injured are simple in nature. The applicants No.1, 2 and 4 are ready to co-operate in the investigation. There is no likelihood of their absconsion. Under such circumstances, applicants No.1, 2 and 4 are entitled for grant of anticipatory bail.

Learned Public Prosecutor for the State as well as counsel for the complainant have opposed the application and submit that the offence alleged against the applicants is serious in nature, therefore, they are not entitled for grant of anticipatory bail.

Having considered the rival submissions and the material pointed by learned counsel for the applicants and the fact that the injuries caused to injured Virendra by farsa are said to have been caused by Sovran Yadav and rest of the injuries found of the body of injured are simple in nature and other facts and circumstances of the case, without expressing any opinion on merits of the matter, this application is allowed so far as it relates to applicants No.1,2 & 4.

It is directed that in the event of arrest of applicants No.1,2 & 4, they shall be enlarged on anticipatory bail upon their furnishing a personal bond in the sum of Rs.50,000/- (Rupees Fifty thousand only) each with one solvent surety each in the like amount to the satisfaction of the Arresting Officer for their appearance before the Trial Court on all dates and for complying with the conditions enumerated under sub-section (2) of Section 438 of the Code of Criminal Procedure.

This application is allowed in part and stands disposed of.

Certified copy, as per Rules.