
(2023) 10 MP CK 0098

In the Madhya Pradesh High Court

Case No : Miscellaneous Criminal Case No. 49161 Of 2023

Pariya Bai Banjara

APPELLANT

Vs

State Of Madhya Pradesh

RESPONDENT

Date of Decision : 30-10-2023

Acts Referred:

Indian Penal Code, 1860 — Section 147, 148, 149, 294, 307, 323, 325, 326, 506

Citation : (2023) 10 MP CK 0098

Hon'ble Judges : Anand Pathak, J

Bench : Single Bench

Advocate : Gaurav Mishra, R.S. Kushwaha, Atul Gupta

Final Decision : Allowed/Disposed Of

Judgement

Anand Pathak, J

1 . The applicant has filed this first bail application u/S.439 Cr.P.C for grant of bail. Applicant has been arrested on 09.06.2023 by Police Station Deepankheda, Tahsil Sironj, District Vidisha in connection with Crime No.24/2023 registered for offence punishable under Sections 147, 148, 149, 323, 294, 506, 307, 325 of the IPC.

2. Shri Pawan Raghuwanshi, Advocate who was appointed as Mediator in the present case informed this Court that both the parties have settled their instant dispute and now intend to compromise the matter once and for all.

3 . It is the submission of learned counsel for applicant that applicant being a lady aged about 41 years, is suffering confinement since 09.06.2023 and charge sheet has already been filed. Counsel endorsed the fact that parties have settled their matter inter se with all the efforts of Shri Pawan Raghuwanshi, Advocate and one Panch Shri Prem Singh, therefore, peace be given a chance and applicant be released on bail.

4. Learned counsel for the applicant on behalf of the applicant side fairly

submitted that whenever bail application of complainant side would be filed and listed for hearing, applicant side shall not oppose the same. Upon these grounds, counsel prayed for grant of bail.

5 . Learned Dy. Advocate General for the State opposed the prayer. However, fairly submits that both the parties have settled their matter inter se and efforts of Panch Prem Singh and Mediator Shri Pawan Raghuwanshi, Advocate were instrumental in reaching to such settlement.

6 . Learned counsel for the complainant affirmed the fact. He submitted that this is a case of cross FIRs in which present applicant is facing allegations for offence under Section 307 of IPC and another case was registered against the complainant side primarily for offence under Section 326 of the IPC arising out of same cause of action. Therefore, he has no objection if the bail is granted.

7 . Heard learned counsel for the parties at length and perused the case diary.

8. This is a case where parties belong to same vicinity. On minor pretext dispute erupted and case was registered against present applicant side for offence under Section 307 of IPC primarily. At the instance of applicant, case was registered against complainant side for offence under Section 326 of the IPC. Therefore, this court appointed Shri Pawan Raghuwanshi, Advocate as Mediator in the present case because he is also from the same vicinity (District Vidisha), therefore, he persuaded them for mediation. Role of Shri Prem Singh, who happens to be a Panch of one of Gram Panchayat also used his positive influence over the parties and now all have reached to settlement which was earlier a distant reality. This happened because of mediation held between the parties.

9 . Mediation has immense potential to bring well-being to the litigating parties. In-fact mediation is like "Mediation in Litigation" so as to bring peace and finality to the litigation.

10. Considering the nature of allegation and the fact that parties have reached to the settlement as well as fact that applicant is a lady aged 41 years, without commenting on the merits of the case, it is hereby directed that the applicant shall be released on bail on her furnishing personal bond of Rs.10,000/- (Rupees Ten Thousand Only) with one solvent surety of the like amount to the satisfaction of trial Court.

11. Before parting, this Court expects that soon parties shall solve their other disputes also inter se if any existing with the help of Mediator Shri Pawan Raghuwanshi, Advocate and Panch Shri Prem Singh. Court records its appreciation for efforts undertaken by Mediator Shri Pawan Raghuwanshi, Advocate and Panch Shri Prem Singh.

1 2 . This order will remain operative subject to compliance of the following conditions by the applicant :-

1. The applicant will comply with all the terms and conditions of the bond

executed by her;

2. The applicant will cooperate in the investigation/trial, as the case may be;
 3. The applicant will not indulge herself in extending inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or to the Police Officer, as the case may be;
 4. The applicant shall not commit an offence similar to the offence of which she is accused;
 5. The applicant will not seek unnecessary adjournments during the trial;
 6. The applicant will not leave India without previous permission of the trial Court/Investigating Officer, as the case may be;
13. Application stands allowed and disposed of.
- 14 . Copy of this order be sent to the trial Court concerned for compliance from the office of this Court.

Certified copy as per rules/directions.