

(2022) 02 MP CK 0087

In the Madhya Pradesh High Court

Case No : Miscellaneous Criminal Case No.7966 Of 2022

Rajpal @ Ballu And Others

APPELLANT

Vs

State Of Madhya Pradesh

RESPONDENT

Date of Decision : 11-02-2022

Acts Referred:

Indian Penal Code, 1860 — Section 34, 294, 323, 324, 325, 336, 504
Scheduled Caste And Scheduled Tribe (Prevention Of Atrocities) Act, 1989 — Section 3(1)(r), 3(1)(s), 3(2)(va)
Code Of Criminal Procedure, 1973 — Section 439

Citation : (2022) 02 MP CK 0087

Hon'ble Judges : Rajeev Kumar Shrivastava, J

Bench : Single Bench

Advocate : Daya Ram Sharm, Dheeraj Budholia

Final Decision : Disposed Of

Judgement

Rajeev Kumar Shrivastava, J

The applicants have filed this first application u/S.439 Cr.P.C for grant of bail.

Applicants have been arrested on 07/01/2022 by Police Station Pandokhar, District Datia (M.P.) in connection with Crime No.217/2021 registered for

offence under Sections 294, 323, 324, 336, 506, 34, 325 and 326 of the IPC.

It is submitted by learned counsel for the applicants, namely, Rajpal @ Ballu and Rajabhaiya @ Ravi that the applicants are innocent. They have not

committed any offence. They have falsely been implicated in this case. The applicants are aged around 38 years and 24 years respectively and are in

custody since 07/01/2022. It is further submitted that there is previous enmity between the parties. Cross-case has also been registered against the

present applicants in connection with Crime No.218/2021 in the same police

station for the offence under Sections 294, 323, 336, 506 and Section 3(1)

(r), 3(1)(s), 3(2)(va) of the Scheduled Castes and Scheduled Tribes Act. It is further submitted co-accused- Anand Dohre has already been granted

bail by this Court vide order dated 2/2/2022 passed in M.Cr.C.No.4389/2022.

Investigation and trial will take its own time. The applicant is ready to abide by any condition which may be imposed by this Court. Hence, prayed for

grant of bail to the applicants.

Per contra, learned State counsel has vehemently opposed the application and prayed for rejection this application filed for grant of bail to the

applicants.

Heard learned counsel for the parties at length and considered the arguments advanced by them and perused the case diary.

Considering the arguments advanced by learned counsel for the applicant along-with the facts and circumstances of the case, without commenting

upon the merits of the case, the application is allowed and it is hereby directed that the applicants shall be released on bail on each of them furnishing

personal bond of Rs.75,000/- (Rupees Seventy Five Thousand only) with one solvent surety in the like amount to the satisfaction of the Court

concerned for his regular appearance before the trial Court concerned on the dates fixed by it.

This order will remain operative subject to compliance of the following conditions by the applicants :-

1. The applicants will comply with all the terms and conditions of the bond executed by them;
2. The applicants will cooperate in the investigation/trial, as the case may be;
3. The applicants will not indulge themselves 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 applicants shall not commit any kind of offence. In case of commission of any kind of offence, this bail order shall automatically stand cancelled;
- 5 . The applicants will not move in the vicinity of complainant party and applicant will not seek unnecessary adjournments during the trial; and

6 . The applicants will not leave India without previous permission of the trial Court/Investigating Officer, as the case may be.

Application stands disposed of in above terms.

E-copy of this order be sent to the trial Court concerned for compliance.

Certified copy/ e-copy as per rules/directions.