
(2021) 01 MP CK 0061

In the Madhya Pradesh High Court

Case No : Miscellaneous Criminal Case No.47692 Of 2021

Raju And Others

APPELLANT

Vs

State Of Madhya Pradesh

RESPONDENT

Date of Decision : 18-01-2021

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 437(3), 439

Indian Penal Code, 1860 — Section 147, 148, 149, 307, 332, 353

Citation : (2021) 01 MP CK 0061

Hon'ble Judges : J. P. Gupta, J

Bench : Single Bench

Advocate : M.K Tripathi, Pradeep Dwivedi

Final Decision : Allowed

Judgement

J. P. Gupta, J

This is the first bail application under Section 439 of the Code of Criminal Procedure, 1973 filed for grant of bail to the applicants who have been

arrested on 18/08/2020 in connection with Crime No.457/2020 for offences registered under Sections 147, 148, 149, 353, 332, 307 of IPC, police

station Khaknar District Burhanpur.

Allegation against the applicants is that they along with other co-accused persons assaulted the forest employees with a view to kill them, as they

were preventing the applicants and other co-accused persons for illegally cutting teak tree in the forest.

Learned counsel for the applicants submitted that applicants are in custody since 18/08/2020 and other co-accused persons have been enlarged on bail

by this Court vide order dated 20/11/2020 passed in M.Cr.C No.36531/2020. It is alleged the applicants are main accused persons who assaulted the

employees with sharp object weapon like axe but in the incident no one have received grievous injury. In the case the charge sheet has been filed and

trial will take time. The applicants have no criminal antecedent. Looking to the offence and period of custody, the applicants' further custody is not

warranted. Hence, learned counsel for the applicant has prayed that the applicant/accused be released on bail.

Learned PL for the respondent/State has opposed the application and prayed for its rejection.

Having considered the fact that the applicants are into custody since 18/08/2020 and their further custody is not warranted. Hence in view of this

Court the applicants are entitled to get benefit of bail. Therefore, without commenting anything on the merits of the case, this application is allowed. It

is ordered that the applicant no.1 Raju and applicant no.2 Akash be released on bail on their furnishing a personal bond for the sum of Rs.40,000/-

(Rs.Fourty Thousand only)each with a solvent surety in the like amount to the satisfaction of the trial court for securing their presence before the said

Court on all the dates of hearing fixed in this regard during trial and for complying with the conditions enumerated in sub-section (3) of Section 437 of

Cr.P.C.

Certified copy as per rules.