
(2019) 09 MP CK 0092

In the Madhya Pradesh High Court

Case No : Miscellaneous Criminal Case No. 39009 Of 2019

Shabana W/O Arif

APPELLANT

Vs

State Of Madhya Pradesh

RESPONDENT

Date of Decision : 27-09-2019

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 437(3), 439
Indian Penal Code, 1860 — Section 34, 294, 307, 506

Citation : (2019) 09 MP CK 0092

Hon'ble Judges : S.K. Awasthi, J

Bench : Single Bench

Advocate : Sanjay Verma, Gaurav Kumar Verma

Final Decision : Allowed

Judgement

This first application under Section 439 of Criminal Procedure Code, 1973 has been filed by applicant, who is implicated in connection with Crime No.407/2019 registered at Police Station City Mandsaur, District Mandsaur (MP) for offence punishable under Sections 294, 307 and 506/34 of the Indian Penal Code, 1860.

The applicant is in custody since 09.08.2019.

As per prosecution story, on 24.06.2019, present applicant along with other co-accused persons, assaulted injured Jaffar with intent to commit his murder by causing injuries on his head, back, hand and leg by deadly weapon. Hence, the case has been registered against the present applicant and other co-accused persons under Sections 294, 307 and 506/34 of the Indian Penal Code, 1860.

Learned counsel for the applicant has submitted that the applicant is a lady aged about 40 years and she has falsely been implicated in the present crime. Allegation against the present applicant is that she caused injury to injured Jaffar, but as per X-Ray Examination, Jaffar sustained fracture on his skull, however, there is no allegation against the applicant to cause injury on the head of injured Jaffar; and this injury has been caused to him by co-accused Shahid.

It is alleged that the applicant gave stick blows on the back and left hand of injured Jaffar, but as per medical examination report, the aforesaid injuries were found to be simple in nature. The applicant is in custody since 09.08.2019. The investigation is over; and charge sheet has been filed. Conclusion of the trial will take sufficiently long time. Under these circumstance, learned counsel for the applicant prays for grant of bail to the applicant.

Learned Public Prosecutor for the non-applicant / State of Madhya Pradesh opposes the bail application by contending that no sufficient ground is made out for releasing the applicant on bail; hence he prayed for rejection of the application.

Considering the facts and circumstances of the case and the arguments advanced by learned counsel for the parties, but without commenting on the merits of the case, the application filed by the applicant is allowed. The applicant is directed to be released on bail upon furnishing a personal bond in the sum of Rs.50,000/- (Rupees Fifty Thousand only) with one solvent surety of the like amount to the satisfaction of trial Court, for his / her regular appearance before the trial Court during trial with a condition that he / she shall remain present before the Court concerned during trial and shall also abide by the conditions enumerated under Section 437 (3) of Criminal Procedure Code, 1973.

This order shall be effective till the end of the trial, however, in case of bail jump, it shall become ineffective.

Certified copy, as per rules.