
(2022) 09 MP CK 0077

In the Madhya Pradesh High Court

Case No : Miscellaneous Criminal Case No. 46291 Of 2022

Shimpu Singh @ Shambhu Singh

APPELLANT

Vs

State Of Madhya Pradesh

RESPONDENT

Date of Decision : 26-09-2022

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 439

Indian Penal Code, 1860 — Section 34, 307, 323, 324, 325, 380, 457

Citation : (2022) 09 MP CK 0077

Hon'ble Judges : Gurpal Singh Ahluwalia, J

Bench : Single Bench

Advocate : Tajuddin Khan, A.K. Nirankari

Final Decision : Allowed

Judgement

Gurpal Singh Ahluwalia, J

This fourth application under Section 439 of Cr.P.C. has been filed for grant of bail. The third application was dismissed as withdrawn by order dated 24.08.2022 passed in M.Cr.C. No.38533/2022.

The applicant has been arrested on 24.03.2022 in connection with Crime No.73/2022 registered at Police Station Porsa, District Morena for offence under Sections 324, 323, 294, 506/34, 307, 325 of IPC.

It is submitted by counsel for applicant that the third bail application of applicant was dismissed as withdrawn by order dated 24.08.2022 passed in M.Cr.C. No.38533/2022 with liberty to revive the prayer after undergoing some reasonable period of detention. According to the prosecution case, the applicant had assaulted the injured by a lathi. The allegations are that the victims were assaulted for the reason that they had lodged a report against accused persons and Ramwati, Sonu, Nihal Singh, Geeta, Manoj were beaten mercilessly and even Geeta was dragged by putting a rope on her neck and Manoj had also sustained fracture. It is submitted that the applicant is in jail for the last six months. The

trial is likely to take sufficiently long time and there is no possibility of his absconding or tampering with the prosecution case.

Per contra, the application is vehemently opposed by the counsel for the State. It is submitted that applicant has a criminal history and one more offence under Sections 457, 380 of IPC was registered in the year 2017.

Considering the period of detention and without commenting on the merits of the case, the application is allowed. It is directed that the applicant be released on bail on furnishing a personal bond in the sum of Rs.1,00,000/- (Rupees One Lac) with one surety in the like amount to the satisfaction of the Trial Court/Committal Court to appear before the Court on the dates given by the concerned Court.

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

In the light of the judgment passed by the Supreme Court in the case of Aparna Bhat and others Vs. State of M.P. Passed on 18.03.2021 in Criminal Appeal No. 329/2021, the intimation regarding grant of bail be sent to the complainant.

Certified copy as per rules.