
(2021) 01 MP CK 0072

In the Madhya Pradesh High Court

Case No : Miscellaneous Criminal Case No.48686, 4922, 49848 Of 2020

Shriram @ Gullu Tiwari And Others

APPELLANT

Vs

State Of M.P

RESPONDENT

Date of Decision : 20-01-2021

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 437(3), 439
Indian Penal Code, 1860 — Section 34, 304

Citation : (2021) 01 MP CK 0072

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

Bench : Single Bench

Advocate : Ghanshyam Pandey, N.P Dubey, Punit Shroti

Final Decision : Allowed

Judgement

J. P. Gupta, J

These are the first bail applications under Section 439 of the Code of Criminal Procedure, 1973 filed for grant of bail to the applicants who have been

arrested on 09/10/2020 in connection with Crime No.481/2020 for offences registered under Sections 304, 34 of IPC, police station Madhotal, District

Jabalpur.

As per prosecution story, deceased Shyam Sunder was admitted in the hospital for multiple injuries on his body and one injury on his head was fatal

and he died due to the injuries on 22/02/2020. Thereafter it was revealed that the applicants had beaten the deceased and caused the injuries,

therefore they have been prosecuted.

Learned counsel for the applicants submitted that applicants are innocent. As per prosecution story there is no motive to cause the death of the

deceased and son of the deceased admitted the deceased in injured condition in the hospital. As per medical history, it reveal that initially it was stated

that injury was caused due to accident fallen from the bicycle as the deceased was in drunken condition. Medical evidence also shows that the

deceased remained unconscious during the treatment, despite of it after the death of the deceased the son has disclosed that deceased narrated him

that the applicants assaulted him. Similarly other witnesses also narrated the same, but the same prima facie is not believable and there is no evidence

that the death was homicidal. Looking to the facts and circumstances of the case, it can't be ruled out that death might be accidental. In the

circumstances, the applicants are entitled to get benefit of bail.

Learned PL for the respondent/State has opposed the applications and submitted that accused Shriram @ Gullu Tiwari has criminal antecedent,

therefore he is not entitled to get benefit of bail and looking to the nature of the offence, the other accused are also not entitled to get benefit of bail.

Having considered the contentions of learned counsel for the parties and on perusal of record, in this case it appears that death might be caused due to

accident. In the circumstance, without commenting anything on the merits of the case, these applications are allowed. It is ordered that the applicant

namely Shriram @ Gullu Tiwari, Vijay @ Vijju Thakur and Suresh Patel 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.