

(2024) 01 MP CK 0028

In the Madhya Pradesh High Court

Case No : Miscellaneous Criminal Case No. 58056 Of 2023

Veeru @ Jatin

APPELLANT

Vs

State Of Madhya Pradesh

RESPONDENT

Date of Decision : 02-01-2024

Acts Referred:

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

Indian Penal Code, 1860 — Section 34, 294, 323, 324, 324, 506

Citation : (2024) 01 MP CK 0028

Hon'ble Judges : Maninder S. Bhatti, J

Bench : Single Bench

Advocate : Sourabh Singh Thakur, K.V.S. Rao

Final Decision : Allowed

Judgement

Maninder S. Bhatti, J

1. This is first application filed by the applicant under Section 439 of the Code of Criminal Procedure for grant of regular bail relating to FIR/Crime No.305/2023 dated 9.10.2023 registered at Police Station Patera, District Damoh for the offences under Sections 294, 323, 324, 326, 506 and 34 of Indian Panel Code.

2. The counsel for the applicant submitted that applicant has been falsely implicated in the crime in question. The applicant is in custody since 18.12.2023. As per the case of the prosecution, the allegation is levelled against

the father of the applicant namely Jainarayan Tamrakar as well, who caused injury to the complainant and his wife namely Smt. Lalita Tamrakar. So far as present applicant is concerned, as per the allegations, he inflicted injury on the person of the daughter of the complainant and the said injury was simple in nature. Thus, it is submitted that taking into consideration the allegation levelled against the present applicant, the applicant be released on bail.

3. Per contra, the counsel for the State submits that the present applicant as well

as his father inflicted injuries on complainant party on account of previous rivalry. It is also contended that the wife of the complainant namely Smt. Lalita Tamrakar sustained grievous injuries and therefore, as there was common intention of the present applicant as well as co-accused to cause injuries to the complainant party, the present applicant is not entitled to be enlarged on bail.

4. Heard the counsel for the parties and perused the case diary.

5. On perusal of the case diary and other material on record, it reveals that there are allegations against the father of the present applicant that he caused injuries not only to the complainant but to his wife as well. However, so far as present applicant is concerned, as per the allegations he inflicted injury upon the daughter of the complainant with the aid of a lathi and undisputedly, the said injury was simple in nature. Therefore, taking into the consideration the role attributed to the present applicant, period of his incarceration and taking into consideration the fact that trial will take considerable time to conclude, this Court is of the considered view that it is a fit case to release the applicant on bail. Therefore, without commenting on the merits of the case, the application is allowed.

6. It is directed that the applicant shall be released on bail on his furnishing a personal bond in a sum of Rs.50,000/- (Rupees Fifty Thousand Only) with one surety in the like amount to the satisfaction of the trial Court concerned for his appearance before the said Court on all such dates as may be fixed in this regard during the pendency of trial.

7. It is further directed that the applicant shall comply with the provisions of Section 437(3) of the Cr.P.C.