The High Court Of Madhya Pradesh

MCRC-46974/2020
(Mukesh Sharma Vs. State of Madhya Pradesh)
MCRC-47711/2020
(Shubham Parasar Vs. State of Madhya Pradesh)

Jabalpur, Dated : 21-12-2020

Heard through Video Conferencing.

Mr.Sanjay Tamrakar, learned counsel for the applicant in M.Cr.C.No.46974/2020.

Mr.S.B.Shrivastava, learned counsel for the applicant in M.Cr.C.No.47711/2020.

Mr.Piyuash Bhatnagar, learned Panel Lawyer for the respondent/State.

These are the first bail applications filed by the applicants under Section 439 of the Cr.P.C. for grant of bail to the applicants, who have been arrested in connection with Crime No.936/2020 for offences punishable under Sections 294, 323, 427, 506, 329 and 34 of IPC and section 25/27 of Arms Act registered at Police Station-Kareli, District-Narsinghpur.

The applicant-Mukesh Sharma is in judicial custody since 31.10.2020 and the applicant-Shubham Parasar is in judicial custody since 09.11.2020 in the aforementioned case. As per the case of the prosecution narrated by the learned counsel for the State while opposing the application for grant of bail, the co-accused Prakash Kaurav and Bhura Kaurav had gone to the Dhaba of the complainant Mukesh Raghuwanshi. They had an altercation with an employee Ajay over the payment of bill and, thereafter, a violence broke out, in which, one person was grievously injured. As regards the applicants Mukesh Sharma and Shubham Parasar, they have

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not been named in the FIR and their names have arisen only on account of their names being taken by the co-accused Prakash Kaurav. Learned counsel for the applicants submits that there has been no TIP in this case and the charge-sheet has been filed.

Learned counsel for the State while opposing the application for grant of bail to one Mukesh Sharma has also submitted that there are 12 other cases registered against him.

Be that as it may, as in this particular case, the only evidence against the applicants is that their names have been taken by the co-accused and no TIP has been conducted. Under the circumstances, the applications on behalf of the applicants-**Mukesh Sharma and Shubham Parasar** are allowed and it is directed that the applicants shall be enlarged on bail upon their furnishing a personal bond in the sum of **Rs.50,000/- (Fifty Thousand Only) each** with one solvent surety **each** in the like amount to the satisfaction of the learned trial Court.

The jail authorities shall have the applicants checked by the jail doctor to ensure that they are not suffering from the coronavirus and if they are, they shall be sent to the nearest hospital designated by the state for treatment. If not, they shall be transported to their place of residence by the jail authorities.

C.C. as per rules.

(Atul Sreedharan)
Judge

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