

1
**IN THE HIGH COURT OF MADHYA PRADESH
AT GWALIOR**

**BEFORE
HON'BLE SMT. JUSTICE SUNITA YADAV
ON THE 30th OF JANUARY, 2024**

MISC. CRIMINAL CASE No. 3246 of 2024

BETWEEN:-

**BHIMRAJ NAGAR S/O LATE SHRI RADHAKISHAN
NAGAR, AGED ABOUT 59 YEARS, R/O VILLAGE
INDRAPUR, TEHSIL BADODA PS BADODA DISTRICT
SHEOPUR (MADHYA PRADESH)**

.....APPLICANT

(BY SHRI BRAJESH KUMAR TYAGI - ADVOCATE)

AND

**THE STATE OF MADHYA PRADESH THROUGH POLICE
STATION BADODA DISTRICT SHEOPUR (MADHYA
PRADESH)**

.....RESPONDENT

***(SHRI VPS TOMAR - PANEL LAWYER FOR THE STATE & SHRI
OM PRAKSH MEENA - ADVOCATE FOR THE RESPONDENT [COMP].)***

*This application coming on for admission this day, the court passed the
following:*

ORDER

This is first application filed by the applicant under Section 438 of the Cr.P.C. for grant of anticipatory bail relating to FIR No. 401 of 2023 registered at Police Station Badoda, District Sheopur (M.P.) for the offence under Sections 323, 324, 325, 294, 452, 506 & 34 of IPC.

Learned counsel for the applicant argued that the applicant is innocent and has been falsely implicated. It is further argued that a cross-case bearing crime no.403/2023 has also been registered against the complainant party. The present applicant/accused was not present on the spot. Allegedly, he inflicted

injury to Girraj, however, Girraj has not suffered any grievous injury. This is a case of free fight, therefore, individual act has to be seen. It is further argued that applicant is the permanent resident of District Sheopur (M.P.) and there is no possibility of his absconsion or tampering with the prosecution evidence. Under these circumstances, he prays for grant of anticipatory bail to the applicant.

On the other hand, learned Panel Lawyer for respondent/State as well as counsel for the complainant have vehemently opposed the bail application and prays for its rejection.

Heard learned counsel for the rival parties and perused the case diary available on record.

Considering the facts and circumstances of the case and material available on record, but without expressing any opinion on merits of the case, this application is allowed and it is directed that in the *event of arrest*, the applicant be released on bail on furnishing a personal bond in the sum of **Rs.50,000/-(Rupees Fifty Thousand Only)** with a solvent surety in the like amount to the satisfaction of the Arresting Officer/Investigating Authority.

The applicant shall further abide by other conditions enumerated under Section 438 (2) of the Code of Criminal Procedure and shall cooperate in the investigation, otherwise this bail order shall automatically stand cancelled.

Application stands allowed and **disposed of**.

Certified copy as per rules.

(SUNITA YADAV)

vpn

