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

HON'BLE SHRI JUSTICE SANJEEV S KALGAONKAR

ON THE 9th OF JANUARY, 2024

MISC. CRIMINAL CASE No. 56020 of 2023

BETWEEN:-

**BADAL S/O SHRI UDAYBHAN, AGED ABOUT 19 YEARS,
LAXMI COLONY DABRA POLICE STATION DABRA
DISTRICT GWALIOR (MADHYA PRADESH)**

.....APPLICANT

**(SHRI HEMANT SINGH RANA, LEARNED COUNSEL FOR THE
APPLICANT);**

AND

**THE STATE OF MADHYA PRADESH INCHARGE POLICE
STATION THROUGH POLICE STATION DABRA CITY
DISTRICT GWALIOR M.P. (MADHYA PRADESH)**

.....RESPONDENTS

(SHRI LOKENDRA SHRIVASTAVA, LEARNED PL),
.....

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

ORDER

This first bail application has been filed by applicant under section 439 of the Code of Criminal Procedure, 1973 for grant of bail in connection with Crime No.1024/2023 registered at Police Station Dabra City, Distt. Gwalior (M.P.) for the offence punishable under Section 327, 294, 323, 506 and 34 of IPC.

As per the case of prosecution, Vivek Sahu along with his father Manohar Sahu reported to PS Dabra on 02.11.2023 that on same day around 2 in the afternoon, they were going to Mandi by tractor trolley. As they reached

near Sehrai bridge, Hemesh Pachauri, Badal Jat and Hemu Parashar intercepted them and started abusing in filthy language. All the accused demanded Rs.10,000/- for liquor also. As they refused to pay, Hemesh assaulted Vivek with iron rod. Vivek sustained injury on his left hand and left knee. Badal and Hemu assaulted him with lathi. He sustained injury on back, chest and leg. His father Manohar tried to intervene and rescue him. All the three accused assaulted his father. His father also sustained injury. Accused threatened to kill him. On such allegations, PS Dabra City registered FIR against accused Hemesh Pachauri, applicant Badal and Hemu. Injured Vivek and Manohar were forwarded for medico-legal examination. The injuries caused to Manohar and Vivek were found to be simple in nature. Statements of witnesses have been recorded. Applicant Badal was arrested on 05.12.2023. Other accused were also arrested. On completion of investigation, final report was submitted on 05.12.2023.

Learned counsel for the applicant, in addition to the grounds mentioned in the application, submits that the applicant has falsely been implicated in the matter over previous enmity. The applicant is aged 20 years. He is labour by profession. He is graduate and unemployed. Relevant recovery has been made and final report has been submitted. There is no likelihood of his absconsion leaving his family or tampering with the evidence as both the parties belong to the same socio-economic status. The trial would take time to complete. Therefore, the applicant may be extended the benefit of bail.

Per contra, learned counsel for the respondent/State opposes the bail application on the ground of gravity of alleged offence and cites history of seven cases against the applicant.

In reply, learned counsel for the applicant submits that the applicant has

already been acquitted in two of the cases. In one of the case relating to M.P. Excise Act, he was sentenced to fine. Rest of the matters are pending trial. He has already been released in all other matters on bail. He has never been convicted for any major offence.

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

Considering the arguments advanced by both the parties and overall circumstances of the case, but without commenting on merits of the case, this Court is inclined to release the applicant on bail. Thus, the application is allowed.

Accordingly, it is directed that applicant **BADAL** shall be released on bail in connection with Crime No.1024/2023 registered at Police Station Dabra City, Distt. Gwalior (M.P.) for the offence punishable under Section 327, 294, 323, 506 and 34 of IPC, upon furnishing a personal bond in the sum of **Rs. 1,00,000/- (Rs. One lac Only) with one solvent surety** of the same amount to the satisfaction of the Trial Court, for compliance with the following conditions, **:(For the sake of convenience of understanding by accused and surety, the conditions of bail are also reproduced in Hindi as under):-**

(1) Applicant shall remain present on every date of hearing as may he directed by the concerned court;

(1) आवेदक संबंधित न्यायालय के निर्देशानुसार सुनवाई की प्रत्येक तिथि पर उपस्थित रहेगा।

(2) Applicant shall not commit or get involved in any offence of similar nature;

(2) आवेदक समान प्रकृति का कोई अपराध नहीं करेगा या उसमें सम्मिलित नहीं होगा।

(3) Applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to

dissuade them/him/her from disclosing such facts to the Court or to the police officer;

(3) आवेदक प्रकरण के तथ्यों से परिचित किसी व्यक्ति को प्रत्यक्ष या अप्रत्यक्ष रूप से प्रलोभन, धमकी या वचन नहीं देगा, जिससे ऐसा व्यक्ति ऐसे तथ्यों को न्यायालय या पुलिस अधिकारी को प्रकट करने से निवारित हो।

(4) Applicant shall not directly or indirectly attempt to temper with the evidence or allure, pressurize or threaten the witness;

(4) आवेदक प्रत्यक्ष या अप्रत्यक्ष रूप से साक्ष्य के साथ छेड़छाड़ करने का या साक्षी या साक्षियों को बहलाने—फुसलाने, दबाव डालने या धमकाने का प्रयास नहीं करेगा।

(5) During trial, the applicants shall ensure due compliance of provisions of Section 309 of Cr.P.C. regarding examination of witnesses in attendance;

(5) विचारण के दौरान, उपस्थित गवाहों से परीक्षण के संबंध में आवेदक धारा 309 दं.प्र.सं. के प्रावधानों का उचित अनुपालन सुनिश्चित करेगा।

This order shall be effective till the end of trial. However, in case of breach of any of the precondition of bail, the trial Court may consider on merits cancellation of bail without any impediment of this order.

The trial Court shall get these conditions reproduced on the personal bond by the accused and on surety bond by the surety concerned, if any of them is unable to write, the scribe shall certify that he had explained the conditions to the concerned accused or the surety.

C.C. as per rules.

(SANJEEV S KALGAONKAR)
JUDGE

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